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## Free People of Color in West Feliciana Parish, Louisiana

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**FREE PEOPLE OF COLOR IN WEST FELICIANA PARISH,  
LOUISIANA**

A Dissertation

Submitted to the Graduate Faculty of the  
Louisiana State University and  
Agricultural and Mechanical College  
in partial fulfillment of the  
requirements for the degree of  
Doctor of Philosophy

in

The Department of History

by

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## Table of Contents

Illustrations .....	iii
Abstract .....	iv
Introduction .....	1
Chapter 1. West Feliciana Parish .....	21
Chapter 2. In the Parish .....	46
Chapter 3. Land Sales, Loans, and Litigation .....	80
Chapter 4. Earning a Living .....	101
Chapter 5. Black/White Personal Relationships .....	123
Chapter 6. Six Notable Entrepreneurs .....	150
Chapter 7. The Beginning of the End .....	206
Epilogue .....	226
Bibliography .....	231
Vita .....	241

## Illustrations

### Tables

1. Occupations of Free People of Color .....	111
2. West Feliciana Parish Population Loss, 1850 - 1860 .....	207

### Figures

1. View of Bayou Sara and St. Francisville .....	20
2. Plan of St. Francisville, Louisiana .....	81
3. Plan of Bayou Sara, Louisiana .....	83
4. Pre-printed promissory note used by John C. Morris .....	87
5. Lots purchased by William Chew 1831 - 1843 .....	155

## **Abstract**

“Free People of Color in West Feliciana Parish, Louisiana” documents the presence, land ownership, business development, and personal relationships of free people of color in a rural Louisiana parish. Beginning with how free people of color came to be in the parish, it shows an absence of segregation by skin color in home ownership, business relationships, and friendships. Free people of color found themselves accepted in a community that valued their talents and skills and disregarded the color of their skin.

Free people of color bought and sold homes in whatever part of the parish suited them. Most lived surrounded by white neighbors in both of the two towns of the parish and in its outlying areas. Free people of color and white people bought and sold goods and services to one another, loaned and borrowed money from one another, sued and were sued by one another, and participated in litigation where they both were treated with fairness. Free people of color and white people in the community cared for one another and interacted as trusting neighbors. A few of the white slaveholders who fathered children with enslaved women freed them and their children and lived openly with them.

Free people of color, in sum, were a part of their community and not separate from it. The skin color spatial segregation so well known in the early twentieth century was unknown in early nineteenth century West Feliciana Parish.

In the last decade before the Civil War, tensions over slavery, yellow fever, and frequent flooding led nearly 40 percent of the parish’s free people of color to leave. A change came over the parish that worked to separate free people of color from white people. People of color who had been free before the Civil War took no part in Reconstruction politics and found themselves economically marginalized and conceptually subsumed within the class of newly freed people of

color. Where free people of color had been integrated into their community before the war, those few who remained were no longer a part of it.

## **Introduction**

I came to know of the free people of color in West Feliciana Parish, Louisiana, when I sought to understand what motivated and sustained Charles Hatfield, Jr., in his quest to desegregate the law school at the Louisiana State University in 1947. When I asked what prompted him to incur the wrath of Louisiana's white citizenry and endure the taunts and threats to his life, he replied that his family had lived and worked in the state since the 1800s. His great-grandparents had moved to West Feliciana Parish in the early 1800s and had contributed to its growth. They had earned for him the right to enjoy all the benefits the state had to offer its citizens. One of his grandfathers had been wounded while fighting in the Civil War and had become a federal tax collector after the war. The opportunity to be trained in the law within the State of Louisiana, with its mixed common and civil law heritage, rather than to study outside of the state where only common law training was available, was a benefit the state offered to its citizens. Hatfield felt entitled to receive that benefit. He was determined to attend LSU.

I traveled to West Feliciana Parish and learned from its property records that Hatfield's fore parents had indeed moved into the parish in the 1800s. Hatfield's free people of color great-grandparents had moved to West Feliciana Parish from Philadelphia. They owned a popular lodging and eating establishment on Woodville Road, the main route from Baton Rouge, Louisiana, to Natchez, Mississippi. His other set of grandparents had come to Louisiana as slaveholder and enslaved woman. They traveled from Maryland together, parented children together, and lived in the parish as man and wife until 1860 when they moved together to Baton Rouge. The enslaved mother and her children were set free, and her subsequent children, including Hatfield's grandmother, were born free. Hatfield's antecedents had indeed been free people of color living in West Feliciana Parish since the early 1800s.

I wondered why free people of color would move from a free state to a slave state and subject themselves to the state's Black Code when they could have chosen to live elsewhere. I wondered what it was about West Feliciana Parish that invited a white slaveholder to live openly with an enslaved woman or with a newly freed woman amidst slavery-supported plantations of cane and cotton fields. I had read W.E.B. DuBois's study of people of color in Philadelphia that described how discrimination by skin color severely limited their social and economic choices. Every obstacle was put in their path to discourage their presence and to frustrate their advancement.

Writing in 1899, DuBois noted the variations in income and educational level, the wide variety of occupations, including entrepreneurs, those in learned professions and skilled trades, clerks, servants, and laborers, but also noted that nearly half of the black skilled tradespeople were required to abandon their trades because they could not find employment. He recorded how housing segregation forced people of color into paying abnormally high rents for the poorest accommodations. DuBois found that the "unrelenting prejudice" of white people led to the social and economic exclusion of black people from white society. He beseeched white people to, at a minimum, extend "little decencies of daily intercourse" to people of color.<sup>1</sup> If conditions for people of color were so challenging in 1899 Philadelphia, I expected they would have been much worse in 1829 West Feliciana Parish. Philadelphia was the city of brotherly love; what would life have been like in a slave state?

I expected that free people of color in West Feliciana Parish would experience similar or even worse treatment. I expected that prejudice against free people of color would dissuade them from settling in the parish and hinder them from remaining in the community. Public records,

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<sup>1</sup> W.E. Burghart DuBois, *The Philadelphia Negro: A Social Study* (1899, New York: Benjamin Blom, 1967), 144, 390, 397.



however, revealed that the “unrelenting prejudice” DuBois found in 1899 Philadelphia had not yet settled on 1829 West Feliciana Parish. That frontier settlement welcomed all manner of people. It offered free people of color an inclusive environment that allowed them to become a part of the community. They lived where they chose, made their living in different ways, and had business and personal relationships with other people in the parish without regard to skin color. They were an integral part of their community, and white people extended to them those “little decencies of daily intercourse” DuBois had solicited, at least until around 1850.

In the early 1800s, free people of color lived in every state and territory of the Union. Wherever they settled, they raised the question of how they fit into the American Republic. In 1790, the United States counted 59,557 free people of color, 1.5 percent of the United States population, most of whom lived in Virginia, 12,866, Maryland, 8,043, Pennsylvania, 6,531, or North Carolina, 5,041. By 1830, the number of free people of color had reached 319,529, and the percentage of the population was 2.5 percent. By 1860, the number was up to 487,070, but the percentage had fallen back to 1.5 percent.<sup>2</sup> Over the years, scholars have looked at segments of this population to discover their place in and their contributions to their communities.

In 1916, the year that the *Journal of Negro History* was founded, Alice Dunbar-Nelson provided a history of people of color in Louisiana. She established that free people of color had been present in Louisiana at least as early as 1724 when the Black Code written in that year included provisions regulating their behavior. She noted the presence of free black officers commanding Spanish troops in 1735. The Spanish frequently called upon men of color for military purposes; the French called upon women of color for miscegenation. While Dunbar-Nelson

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<sup>2</sup> Clayton E. Cramer, *Black Demographic Data, 1790-1860: A SourceBook* (Westport, CT: Greenwood Press, 1997), 149.

attributed a large portion of New Orleans's population of free people of color to miscegenation, she also noted that, after 1812, a steady stream of free people of color from other states moved to Louisiana as a haven of refuge.<sup>3</sup>

Numerous studies of free people of color in other locations followed Dunbar-Nelson's Louisiana study. Many of them appeared in *The Journal of Negro History*.<sup>4</sup> In 1943, John Hope Franklin produced a book-length work analyzing the economic and social conditions of free people of color in North Carolina. Franklin considered North Carolina a lenient slave state because it lagged behind the others in restricting the freedom of free people of color and did not vigorously enforce the laws it did have. Free people of color served in the state militia until 1812 and could vote in North Carolina until 1835. Franklin attributed this lenient treatment to the state's rural nature; in more urban areas, opposition to free people of color came from competition for employment opportunities. "Free Negro mechanics were especially irritating to the white artisans. . . white mechanics began a concerted action to prevent the use of free Negroes. Printed petitions were circulated, signed, and sent by citizens . . . to the Legislature."<sup>5</sup> Skin color became important in North Carolina when it could provide an economic advantage.

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3 Alice Dunbar-Nelson, "People of Color in Louisiana: Part I," *Journal of Negro History* 1, no. 4 (October 1916): 361-376, 363, 371. <http://www.jstor.com/stable/3035611>; Alice Dunbar-Nelson, "People of Color in Louisiana: Part II," *Journal of Negro History* 2, no. 1 (January 1917): 51-78, 57, 55, 61. <http://www.jstor.com/stable/2713476>.

4 See, for example, Charles S. Sydnor, "The Free Negro in Mississippi Before the Civil War," *American Historical Review* 32, no. 4 (July 1927): 769-788; E. Horace Fitchett, "The Origin and Growth of the Free Negro Population of Charleston, South Carolina," *Journal of Negro History* 26 (October 1941): 421-437.

5 John Hope Franklin, *The Free Negro in North Carolina, 1790-1860* (Chapel Hill: University of North Carolina Press, 1943), 137-138, 225.

As did other Southern states, North Carolina enacted increasingly stringent restrictions on its free people of color as the nation marched towards a war over slavery. Franklin noted that after 1838, masters were no longer obligated to teach their black apprentices to read and write, although white apprentices continued to be entitled to that education. He characterized this as: “a clear effort on the part of legislators to prevent free Negroes from rising out of the low intellectual attainments which characterized the group.”<sup>6</sup> Nonetheless, in 1850, more than 200 free people of color were in school. Free people of color responded to limitations on their freedom by leaving North Carolina for other states or for Liberia or Haiti. Some even agreed to be enslaved. Franklin asserted that in doing so they acted “to avoid the cruel treatment that they were destined to receive at the hands of slaveholders, [believing] it would be better to become identified with the system than to fight against it.”<sup>7</sup> North Carolina’s free people of color tended to live separated from white people and in rural areas which had fewer economic opportunities. Franklin attributed to white people an unwritten agreement to minimize contact with free people of color and an overall attitude that the degraded and despised free people of color had no place in ordinary human relationships. Franklin concluded that free people of color in North Carolina were generally poor, although there were a few notable exceptions.<sup>8</sup>

Three years after Franklin, in 1946, Frank Tannenbaum made mention of free people of color in his *Slave & Citizen: The Negro in the Americas*. In his comparative study, Tannenbaum

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6 Ibid., 129.

7 Ibid., 219.

8 Ibid., 160, 188-189. Like Franklin, historian Steve Baker, found: “The free blacks of Madison County [Tennessee] were a poor lot . . . that existed in a twilight between slavery and white society.” Steve Baker, “Free Blacks in Antebellum Madison County,” *Tennessee Historical Quarterly* 52, no. 1 (Spring 1993): 56-63, 61. <http://www.jstor.com/stable/42627045>.

contrasted the laws and customs pertaining to slavery under Spanish and Portuguese rule with those under English and American rule. Influenced by the Catholic Church's tenet that all men were equal in the sight of God, the Spanish and Portuguese saw slavery as a temporary status, the result of misfortune, and often facilitated manumission. Conversely, under English and American rule, a person of color was identified with slavery and a free person of color was an anomaly to be excised from the jurisdiction. Their opposition to manumission engendered animosity towards both enslaved people and any person of color not enslaved.<sup>9</sup> A competition between the Spanish viewpoint and the American point of view would play out in West Feliciana Parish.

Scholars continued to produce local studies of free people of color. Some were narrowed by topic rather than by location, such as Leon F. Litwack's "The Federal Government and the Free Negro, 1790-1860," and Paul A. Kunkel's "Modifications in Louisiana Negro Legal Status Under Louisiana Constitutions 1812-1957," both published in *The Journal of Negro History*.<sup>10</sup> In 1961, Litwack wrote *North of Slavery: The Negro in the Free States, 1790-1860*.<sup>11</sup> In it he challenged the myth that free people of color were made welcome in the North. His important survey of their conditions exposed the pervasive extent of skin color prejudice in northern states.

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9 Frank Tannenbaum, *Slave & Citizen: The Negro in the Americas*, (New York: Vintage Books, 1946), 53, 69.

10 Leon F. Litwack, "The Federal Government and the Free Negro, 1790-1860," *Journal of Negro History* 43 (October 1958): 261-278; Paul A. Kunkel, "Modifications in Louisiana Negro Legal Status Under Louisiana Constitutions 1812-1957," *Journal of Negro History* 44, no. 1 (January 1959): 1-25. <http://www.jstor.com/stable/2716310>.

11 Leon F. Litwack, *North of Slavery: The Negro in the Free States, 1790-1860* (Chicago: University of Chicago Press, 1961).

Comparative studies, such as Laura Foner's, "The Free People of Color in Louisiana and St. Domingue: A Comparative Portrait of Two Three-Caste Slave Societies,"<sup>12</sup> followed. In April 1970, The Johns Hopkins University hosted a symposium entitled: "The Role of the Free Black and Free Mulatto in Slave Societies of the New World." Two years later, David W. Cohen and Jack P. Greene edited and published the conference's papers and others written for the volume. The editors explained that a major focus of the symposium and the book was to understand the role free people of color played in the societies in which they lived. The editors believed that anti-manumission legislation drove a wedge between free people of color and enslaved people in most of the New World, although less so in the American South. They found, like Franklin, that sharp economic competition between free people of color and impoverished white people, common in most countries, was evidenced by legislation limiting the occupations available to free people of color.<sup>13</sup>

In 1974, Ira Berlin completed perhaps the most comprehensive study of free people of color living in the United States. In *Slaves without Masters*, Berlin considered data from the colonial period through the Civil War. He wrote that shortly after the American Revolution, when the northern states had begun the process of outlawing slavery in their jurisdictions, white people in the Upper South believed that slavery was nearing its end there also. They saw amalgamation, race war, or physical separation as the only options available for their relationships with free people of color. Upper South white people wanted to expel free people of color from their states, but free

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12 Laura Foner, "The Free People of Color in Louisiana and St. Domingue: A Comparative Portrait of Two Three-Caste Slave Societies" *Journal of Social History* 3, no. 4 (Summer, 1970): 406-430. <http://www.jstor.com/stable/3786302>.

13 David W. Cohen and Jack P. Greene, "Introduction," in *Neither Slave nor Free: The Freedman of African Descent in the Slave Societies of the New World*, eds. David W. Cohen and Jack P. Greene (Baltimore: Johns Hopkins University Press, 1972), 3, 11, 16.

people of color were valued for their labor because they often performed jobs that white people would not accept.<sup>14</sup> Confirming Franklin's findings in North Carolina, Berlin found free people of color in the Upper South to be despised and degraded. Despised and degraded, perhaps, but essential to the economy. Berlin argued that free people of color were tolerated, but not accepted, in Upper South states.

In contrast, Berlin wrote, where free people of color were numerous in Lower South states, white people allowed the three-caste system of the West Indies to develop. He found that free people of color in these communities often had an elevated status. Berlin explained that, in the Lower South, enslaved people had been manumitted selectively and were more likely to be related by blood or affinity to their emancipator. Grants of money or land often accompanied their emancipation. With an economic head start and a patron to guide their future, selectively manumitted freed people often found themselves financially successful while people of color freed without financial support faced more obstacles. In addition, white people were not threatened by a population that often shared their cultural values and attitudes towards slavery and with whom they might share a real or imagined kinship. They, therefore, took fewer real steps to frustrate the progress of free people of color. That would change, however, with growing class conflict. Slavery laid a foundation for solidarity among white people by providing a floor beneath which no white person could fall, but free people of color threatened that unity by demonstrating that white skin was often irrelevant to social or financial success. Most critically, successful free people of color defied the moral justification for slavery – innate inferiority. Berlin, like Franklin, found that free people of color were subject to increasingly discriminatory and demeaning laws to foster white

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<sup>14</sup> Ira Berlin, *Slaves Without Masters: The Free Negro in the Antebellum South* (New York: Pantheon Books, 1974), 199, 208.

supremacy. Nevertheless, Berlin observed: “free Negroes proved remarkably resilient.”<sup>15</sup> Berlin believed that the laws written to limit the freedom of free people of color before the Civil War served as guides for the South in support of white supremacy after the war.<sup>16</sup>

Berlin’s Upper South/Lower South dichotomy, while not wholly inaccurate, oversimplified the complex relationships of free people of color with white people. Studies of the free people of color in the United States would reach different conclusions depending upon the sources used and the periods and locations studied. Additional studies of different places, at different times, using different materials were warranted.<sup>17</sup>

In a 1981 book, *The Free Black in Urban America, 1800-1850*, Leonard P. Curry examined free people of color living in fifteen cities across the United States. He found a preponderance of females, 130 females to 100 males, while white males outnumbered white females 100 males to 97 females in those cities. He postulated that employment opportunities as house servants and hotel employees might account for the disproportionate number of urban-dwelling females of color. He found universal approbation of free people of color in both northern and southern cities. Prohibitions on entry into the jurisdiction, requirements for registration, prohibitions from certain occupations, and differences in punishments for the same crimes were all typical impediments to equality with white people. Segregation was justified by the same rationale used to support slavery: an assertion of the innate inferiority of people of color. Curry explained that he stopped his study

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15 Ibid., 198, 49, 185, 369, 351.

16 Ibid., xiv. (“In learning to deal with free blacks before the Civil War, Southern whites developed institutions, standards of personal relations, and patterns of thought which they applied to all blacks after emancipation.”)

17 See, for example, Letitia Woods Brown, *Free Negroes in the District of Columbia, 1790-1846* (New York: Oxford University Press, 1972).

in 1850 because the last ten years before the war were different from earlier years. In the north, the widespread construction of multi-family homes increased residential density and eliminated the intermixture of housing for white people and free people of color. Support for the anti-slavery movement in the north led to greater repression of free people of color in the south.<sup>18</sup> Like Franklin and Berlin, Curry found free people of color to be a despised people. Other authors studying other places have found less animosity.

In 1984, Michael Johnson and James Roark described the life of a free family of color near Charleston, South Carolina. William Ellison, given his freedom by his father, had been trained as a gin wright and had mastered the craft, improving on the equipment's design and developing a reputation for his craftsmanship. Ellison became a prosperous back country planter and an enslaver of his laborers. He incorporated his family into the elite antebellum mulatto population of Charleston. Johnson and Roark observed that Ellison and his similarly situated friends identified with the interests of white people and provided a buffer between white and enslaved people. In Charleston, lighter skinned people of color discriminated against darker skinned people of color, whether enslaved or free, to reinforce their claim to this middle ground, a distinctively separate social position where they were neither white nor black.

Between white people and people of color, social space was rigidly stratified, but geographical space was not. People of color lived alongside white people in the city and in the country. White people defeated legislative efforts to reduce free people of color to slavery by citing the ownership of enslaved people and the taxes paid by wealthy mulattos. These arguments protected free people of color from some of the more extreme limitations on their freedom, but

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<sup>18</sup> Leonard P. Curry, *The Free Black in Urban America 1800-1850: The Shadow of the Dream* (Chicago: University of Chicago Press, 1981), 9, 83-93, xvi-xviii.



they lost their prophylactic effect as the Civil War approached. Like Franklin, Johnson and Roark found that serious animosity towards free people of color stemmed from white workingmen in competition for employment.<sup>19</sup> The free people of color studied by Johnson and Roark were atypical, wealthy members of the elite, very much unlike most of the free people of color across the country.

Other local and comparative studies followed.<sup>20</sup> Most notable among them was Melvin Patrick Ely's ambitious study of 100 or so people emancipated together in 1810 and given 400 acres of land near Farmville, Virginia. In his extensive 2004 work, *Israel on the Appomattox*, Ely challenged the findings of earlier authors. While his examination of the laws enacted to limit the freedom of people of color evidenced an aggressively repressive intent, Ely was intrigued by the complex relationships between individual people of color and white people. In *Appomattox*, he found people of color who did not quietly suffer white abuse and found white people who showed respect and a semblance of friendship toward free people of color. The social ideology of white supremacy and the laws that sharply circumscribed freedom for free people of color people were offset by white ambivalence about the ideology and lassitude in the enforcement of the laws.

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19 Michael P. Johnson and James L. Roark, *Black Masters: A Free Family of Color in the Old South* (New York: W. W. Norton, 1984), 280, 192, 226, 266.

20 Michael P. Johnson and James L. Roark, eds., *No Chariot Let Down: Charleston's Free People of Color on the Eve of the Civil War* (Chapel Hill: University of North Carolina Press, 1984); Carl N. Degler, *Neither Black Nor White: Slavery and Race Relations in Brazil and the United States* (Madison: University of Wisconsin Press, 1986); Adele Logan Alexander, *Ambiguous Lives: Free Women of Color in Rural Georgia, 1789-1879* (Fayetteville: University of Arkansas Press, 1991); Baker, "Free Blacks in Antebellum Madison County," 60. [Baker did not see any correlation between lighter or darker skin color and social status.] ; Jane G. Landers, ed., *Against the Odds: Free Blacks in the Slave Societies of the Americas* (London: Frank Cass, 1996); R.J. Young, *Antebellum Black Activists: Race, Gender, and Self* (New York: Garland Publishing, 1996).

Free people of color successfully sued white people, and white witnesses testified in favor of their black neighbors. Free people of color charged with criminal offenses were found not guilty by all-white juries. Although the state legislature enacted statutes antagonistic to free people of color, those statutes did not govern the daily interaction between people of different skin colors. Ely considered this egalitarian experience evidence of what he called racial fluidity, space where free people of color could exercise their freedom. He argued that white leniency, along with white impulses to act decently, created openings to allow free people of color to flourish; the actual behavior of white people often did not follow the white racial ideology they expressed.<sup>21</sup> Ely did not find a degraded and despised free people of color population or find efforts to expel them from the state. He uncovered a community of free people of color well-received by a white community which engaged with it without regard for skin color. Ely postulated that in the minds of white people the nearby bondage of large numbers of people of color negated any threat that might come from the few who were free.

Understanding how free people of color fit into American society continued to be a topic of interest for historians. In 2012, Emily West's *Family or Freedom* studied the 1850 to 1861 period when southern states offered free people of color an option to submit themselves to slavery. She counted 143 enslavement requests and examined the reasons a free person would give up their freedom. Out of ninety-eight requests with reasons, thirty-eight applicants cited love of family and twenty-seven indicated what she called a local interracial relationship. She concluded that people requesting enslavement prioritized their commitment to family over their personal freedom. Two books published in 2018 looked at litigation involving free people of color. Kimberly Welch, in

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<sup>21</sup> Melvin Patrick Ely, *Israel on the Appomattox: A Southern Experiment in Black Freedom from the 1790s Through the Civil War* (New York: Alfred A. Knopf, 2004), 259, 436.

*Black Litigants in the Antebellum American South*, identified free people of color as active and often successful litigants. She explained that because slavery was defended in terms of property rights, southern white people had to recognize the property rights of their neighbors whatever the color of their skin. The protection of property was more important to white slaveholders than white supremacy because they had so much invested in their human property.<sup>22</sup>

Martha S. Jones, in *Birthright Citizens: A History of Race and Rights in Antebellum America*, credited black litigants in Baltimore with providing an early argument for birthright citizenship, primarily in response to emigration movements and other efforts to remove free people of color from the state. Like Welch, she found that black litigants were treated fairly by the courts, but she went further to argue that the actions of black litigants in choosing to bring litigation was an exercise of their rights as citizens entitling them to a claim of citizenship. Baltimoreans voiced their claims to citizenship in their performance of their rights by litigating in state courts, but also in petitions to their state legislature.<sup>23</sup> Free people of color in West Feliciana Parish who sued each other and sued white people when debts went unpaid left no record of their discussions of citizenship. They exercised the rights available to them, to sue and be sued, to travel, to work, to buy and sell land, and accepted that the right to vote or hold office were not rights they could exercise. Jones, like Johnson and Roark, studied free people of color in a large coastal city where free people of color were present in large numbers and where they had developed social institutions like churches and civic organizations. None of that was true for West Feliciana Parish. This rural

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<sup>22</sup> Emily West, *Family or Freedom: People of Color in the Antebellum South* (Lexington: University Press of Kentucky, 2012), 14, 18, 155; Kimberly M. Welch, *Black Litigants in the Antebellum American South* (Chapel Hill: University of North Carolina Press, 2018), 13-14.

<sup>23</sup> Martha S. Jones, *Birthright Citizens: A History of Race and Rights in Antebellum America* (New York: Cambridge University Press, 2018), 12, 40-41, 65, 107.

frontier community had few people and fewer free people of color. It had no churches or civic groups organized by free people of color and had little access to abolitionist literature even before its possession was forbidden by law. As these recent works show, the study of free people of color continues to be of interest to scholars.<sup>24</sup>

While these studies often have included information about free people of color in Louisiana because of its large and interesting free people of color population, Louisiana-centered studies have also abounded.<sup>25</sup> Historian H. E. Sterkx's 1972 Louisiana study yielded results closer to those of Ely than to those of Franklin or Berlin. Sterkx argued that free people of color in Louisiana enjoyed a better legal position than did their counterparts in other slave states. They were allowed a "quasi-citizenship." They could not vote, but they could petition the government for redress and

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24 Julie Winch, *Between Slavery and Freedom: Free People of Color in America From Settlement to the Civil War* (Lanham, Maryland: Rowman & Littlefield, 2014); Warren E. Milteer, Jr., "Life in a Great Dismal Swamp Community: Free People of Color in Pre-Civil War Gates County, North Carolina," *North Carolina Historical Review* 91, no. 2 (April 2014): 144-170. URL; <https://www.jstor.org/stable/23719092>; Warren E. Milteer, Jr., "The Strategies of Forbidden Love: Family across Racial Boundaries in Nineteenth-Century North Carolina," *Journal of Social History* 47, no. 3 (Spring 2014): 612-626, <https://www.jstor.org/stable/43305952>; Kimberly Welch, "Black Litigiousness and White Accountability: Free Blacks and the Rhetoric of Reputation in the Antebellum Natchez District," *Journal of the Civil War Era* 5, no. 3 (September 2015): 372-398, <https://www.jstor.org/stable/26070325>.

25 For example, Dunbar-Nelson, "People of Color in Louisiana: Part I," 361-376, 363, 371; Dunbar-Nelson, "People of Color in Louisiana: Part II," 51-78, 57, 55, 61; Donald E. Everett, "Emigres and Militiamen: Free Persons of Color in New Orleans, 1803-1815," *Journal of Negro History* 38, no. 4 (1953): 377-402. doi:10.2307/2715889; Paul A. Kunkel, "Modifications in Louisiana Negro Legal Status Under Louisiana Constitutions 1812-1957," *Journal of Negro History* 44, no. 1 (January 1959): 1-25, [www.jstor.org/stable/2716310](http://www.jstor.org/stable/2716310); Donald E. Everett, "Free Persons of Color in Colonial Louisiana," *Louisiana History: Journal of the Louisiana Historical Association* 7, no. 1 (1966): 21-50. [www.jstor.org/stable/4230881](http://www.jstor.org/stable/4230881); Wattine Frazier, "The Great Planter in West Feliciana Parish, Louisiana, 1850-1860," (master's thesis, LSU, 1969); Laura Foner, "The Free People of Color in Louisiana and St. Domingue: A Comparative Portrait of Two Three-Caste Slave Societies," *Journal of Social History* 3, no. 4 (1970): 406-30. [www.jstor.org/stable/3786302](http://www.jstor.org/stable/3786302).

testify in court cases. Sterkx felt that Louisiana's history as a former possession of France and Spain influenced its treatment of free people of color.<sup>26</sup> Where Berlin found French and Spanish settlers intensely hostile to free people of color, Sterkx found that they intermingled freely. Like Franklin, Sterkx found ill feeling between white laborers and their black competitors in New Orleans, the only major city in Louisiana at that time. He did not find ill feeling outside of that city. Sterkx reported that, when legislators introduced state laws to expel free people of color and to limit their right to testify in court, these laws failed to pass. Many legislators believed that people of color who were free had been manumitted because they were faithful to the state's interests. They considered the descendants of these faithful servants peaceful, industrious, educated, and honest and entitled to their "quasi-citizenship" status.<sup>27</sup>

After Sterkx's work, historians of Louisiana began to focus on specific areas within the state or on specific issues. David C. Rankin, in "The Forgotten People: Free People of Color in New Orleans, 1850-1870," noted the range of economic and social circumstances of free people of color in New Orleans and emphasized the importance of looking at individuals or small groups rather than treating all people of color as one monolithic mass. Some free people of color had great learning, sophistication, and wealth; others did not. He found integrated neighborhoods and found 41 percent of free people of color in the city living in the homes of white people, probably as

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26 H.E. Sterkx, *The Free Negro in Ante-Bellum Louisiana* (Rutherford, New Jersey: Fairleigh Dickinson University Press, 1972), 99, 170-173. Historian Frank Tannenbaum, in an early study, wrote that the Christian doctrine of the equality of man before God was biased in favor of freedom. Manumission was favored, and humane treatment was mandated in those parts of the Americas colonized by the French and Spanish. Tannenbaum, *Slave & Citizen*, 53.

27 Sterkx, *The Free Negro in Ante-Bellum Louisiana*, 221, 175.

domestics or boarders. As had other historians, Rankin concluded that the 1850s brought unusually repressive legal restrictions but determined that they were generally unenforced.<sup>28</sup>

Gary B. Mills, in *The Forgotten People: Cane River's Creoles of Color*, focused attention on the ideological conflict between Spanish and French attitudes towards mulattos, which allowed for an intermediate position between white people and people of color, and English attitudes that drew a strict black/white line between the two. Mills examined the Metoyer family of northwest Louisiana whose freedom had begun under the government of Spain. He found a society where status among mulattos depended upon how long an individual had been free, rather than on the darkness or lightness of their skin. He discovered cordial interchange and mutual acceptance of this free population by some members of the white community and noted that the Americanization of laws pertaining to people of color increasingly limited freedom and economic, political, and social opportunities for free people of color. Mills wrote: "When Creole Louisiana was inducted into the American states, the immediate result was a clash of racial concepts and ideals." Anglo American prejudices triumphed.<sup>29</sup>

Other authors continued this trend of looking at specific geographical areas or specific issues.<sup>30</sup> In 1994, Carl Brasseaux, Keith Fontenot, and Claude Oubre published their study of free

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28 David C. Rankin, "The Forgotten People: Free People of Color in New Orleans, 1850-1870," PhD diss., John Hopkins University, 1976, pp. 13, 53, 67, 82.

29 Gary B. Mills, *The Forgotten People: Cane River's Creoles of Color* (Baton Rouge: Louisiana State University Press, 1977), 194, 210-211, 227.

30 Robert R. Macdonald, John R. Kemp, and Edward F. Haas, eds., *Louisiana's Black Heritage*, (New Orleans: Louisiana State Museum, 1979); Loren Schweningen, "Antebellum Free Persons of Color in Postbellum Louisiana," *Louisiana History: Journal of the Louisiana Historical Association* 30, no. 4 (1989): 345-64, <https://www.jstor.org/stable/4232755>; Thomas N. Ingersoll, "Free Blacks in a Slave Society: New Orleans, 1718-1812," *William and Mary Quarterly* 48, no. 2 (1991): 173-200. doi:10.2307/2938067; Kimberly Hanger, "Conflicting Loyalties: The French Revolution and Free People of Color in Spanish New Orleans," *Louisiana History: Journal of the Louisiana Historical Association* 34, no. 1 (1993): 5-33.

people of color in southcentral Louisiana. They agreed with Berlin that white people in this part of Louisiana accepted the three-caste system of the West Indies. Brasseaux, Fontenot, and Oubre described the land holdings and marriage relationships of people who called themselves *gens de couleur libre*, free people of color. Many of these French-speaking *gens de couleur libre* were the offspring of white slaveholders who had exploited an enslaved female. According to these authors, the cultural emulation of whites by the *gens de couleur libre* created a sense of kinship with wealthy white landowners that allowed for commercial interaction and mutual trust. Families of *gens de couleur libre* intermarried and distanced themselves from enslaved people with the objective of melding into the white population, and many of the descendants of the *gens de couleur libre* chose to identify as white. Catholic Church officials cooperated by limiting access to many of its ecclesiastical records. Free people of color were treated fairly by the courts in that region and by their neighbors until the late 1850s when vigilantes, originally organized to rid the area of criminals, turned their energies to ridding the area of *gens de couleur libre*.<sup>31</sup>

Two other works deserve mention. In 1996, James H. Dorman edited *Creoles of Color of the Gulf South* which included a chapter on New Orleans and one on Louisiana's Bayou Country as well as topic specific chapters on Mardi Gras and Zydeco. Dorman commented on the persistent determination of Creoles, his term for the product of white and black fore parents, to self-isolate and intermarry. Judith Schafer's 2003 *Becoming Free, Remaining Free: Manumission and Enslavement in New Orleans, 1846-1862*, looked only at New Orleans where she found white

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[www.jstor.org/stable/4232994](http://www.jstor.org/stable/4232994); Gwendolyn Midlo Hall, *Africans in Colonial Louisiana: The Development of Afro-Creole Culture in the Eighteenth Century* (Baton Rouge: Louisiana State University Press, 1995).

31 Carl A. Brasseaux, Keith P. Fontenot, and Claude F. Oubre, *Creoles of Color in the Bayou Country* (Jackson, Mississippi: University Press of Mississippi, 1994), xiii, 7-8, 44, xiii, 119, 73, 83, 49, 74.

people accustomed to associating with people of color and frequently doing so. She didn't expect country parishes to have a place in their societies for free people of color.<sup>32</sup>

Brasseaux, Fontenot, and Oubre's well to do class of French speakers, Dorman's Creoles, and Schafer's urbane people of color differed dramatically from the free people of color who inhabited West Feliciana Parish. The free people of color there were a very mixed group living in a frontier community where enslaved people outnumbered them by more than 100 to 1. They were not a settled population with a common background or history but individuals who happened to arrive in the parish around the same time. Some had entered the parish already free, others purchased their freedom, while others were freed by slaveholders in various ways and for differing reasons. Some received gifts of land or money in addition to their freedom. Others earned the money needed to buy their homes and places of business.

Free people of color in West Feliciana Parish did not self-isolate or form a distinct social group or a third caste in a structured caste system. They blended into their community, provided needed services, and had successful businesses. They made friends without regard to skin color and were a part of their community and not separate from it. Free people of color and white people

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32 James H. Dorman, *Creoles of Color of the Gulf South* (Knoxville: University of Tennessee Press, 1996), 170; Judith Kelleher Schafer, *Becoming Free, Remaining Free: Manumission and Enslavement in New Orleans, 1846-1862* (Baton Rouge: Louisiana State University Press, 2003), 76. Other recent works include Sybil Kein, ed. *Creole: The History and Legacy of Louisiana's Free People of Color* (Baton Rouge: Louisiana State University Press, 2000); Mary Niall Mitchell, "A Good and Delicious Country: Free Children of Color and How They Learned to Imagine the Atlantic World in Nineteenth-Century Louisiana," *History of Education Quarterly* 40, no. 2 (2000): 123-44. doi:10.2307/369533, and Amy R. Sumpter, "Segregation of the Free People of Color and the Construction of Race in Antebellum New Orleans," *Southeastern Geographer* 48, no. 1 (2008): 19-37. www.jstor.org/stable/26225504.



interacted, exchanged property, and bore children together. They patronized each other's businesses, loaned money to one another, and lived intermingled. Skin color discrimination was neither natural nor necessary and came into play only when slavery was threatened. During the last decade before the Civil War, as others have documented, conditions changed, and free people of color no longer enjoyed the acceptance they had experienced prior to 1850. To defend slavery, white slaveholders forced a division in the community and made skin color of paramount importance. Discrimination became the palliative for economic inequality. West Feliciana Parish was no longer a comfortable place for free people of color to be.

In telling the stories of West Feliciana's free people of color, I have used terms such as "mulatto," "negro," or "colored" as they were used in the sources. I apologize to anyone who is offended. I hope I have not used the term "race" or "mixed race." I reject this social construction that suggests all humans, no matter their skin color, are not of the same race.



### Bayou Sara (Luisiana)

Figure 1. View of Bayou Sara and St. Francisville

View from the Mississippi River of Bayou Sara with St. Francisville on the bluff in the background, based on drawings Lewis made on the Mississippi River c. 1846-1848. Henry Lewis, artist; Arnz and Company, Lithographer (*Das illustrierte Mississippithal*, 1854-1857), opposite p. 400.



## Chapter 1. West Feliciana Parish

West Feliciana Parish sits in a curve of the Mississippi River that puts the river on its western and southern boundaries. The state of Mississippi lies directly to its north. Houma Indians were the first known settlers of this heavily forested area, but Tunica Indians, who traded with Europeans as early as the 1600s, drove them out. Around 1729, the French, claiming the land, built a small fort in the area named Ste. Reyne aux Tonicas, but they later abandoned it. After the French and Indian War, Great Britain took possession of the area and gave grants of land to veterans of that war. The British called the area West Florida. The Mississippi River became the boundary between British ownership to the east and Spanish ownership to the west. Despite British ownership, Spanish Capuchin monks crossed the river to bury their dead on the eastern ridge high above the Mississippi River. During the Revolutionary War, Spain retook control of the area, and, after the Treaty of Paris, the Governor of Spanish Louisiana named it *Feliciana*, which translates to Happy Land. He welcomed British settlers into the region and Spanish land grants added to the population of the district. The rich black soil crisscrossed by numerous streams proved to be very productive.

Two towns developed. Around 1785, the Capuchin monks built a monastery next to their cemetery and named the resulting nearby settlement after their patron saint, St. Francis. St. Francisville housed Spain's governmental offices: the courthouse, the prison, the post office, and the printing office. The town had a theatre, homes, and businesses. In 1790, Virginian John Mills moved down river from Natchez, where he had been living, and partnered with Christopher Strong Steward to establish a trading post and cotton port below the bluffs near the mouth of Bayou Sara

Creek.<sup>1</sup> The natural port became invaluable for the large cotton, indigo, and sugar cane plantations that came to dominate the parish from the 1790s until well after the Civil War. Mills and Steward named the river town after the creek, Bayou Sara. At various times, Bayou Sara has been called New Valencia, Town under the Hill, or Bayou Sarah, with an “h.” In a 1793 census, Spanish authorities counted 57, housing 237 people.

Bayou Sara became a bustling river town with retail stores, taverns, boarding houses, warehouses, and horse stables. Its streets were filled with river boat crews, travelers, merchants, cotton factors, and farmers. The parish’s cotton, indigo, and sugar cane were loaded from its docks. The corn and other crops produced in the Parish were generally used locally. When traveler Anne Royall visited in 1830, she admired the china trees and towering magnolias that covered St. Francisville but described Bayou Sara as a low swamp with few houses, two or three warehouses, and two taverns. By 1850, Bayou Sara was the largest port on the river between Natchez and New Orleans and was the commercial hub for a large rural area extending into Mississippi.<sup>2</sup> In 1793, only 237 people lived in fifty-seven residences in Feliciana.<sup>3</sup> Bayou Sara’s growth would come later.

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1 Miriam Reeves, *The Felicianas of Louisiana* (Baton Rouge: Claitor’s Book Store, 1967), vii-viii.

2 Anne Royall, *Mrs. Royall’s Southern Tour or Second Series of the Black Book 3* (Washington, D.C., self-published, 1830), 89, 96; Frederick William Williamson and George T. Goodman, eds., *Eastern Louisiana: A History of the Watershed of the Ouachita River and the Florida Parishes* (Louisville, Kentucky: Historical Record Association, 1939), 485.

3 Adam Sundberg and Sara Brooks Sundberg, “Happy Land: Women Landowners in Early West Feliciana Parish, Louisiana, 1813-1845,” *Agricultural History* 90, no. 4 (Fall 2016): 484-510, 487; Winston DeVille, *New Feliciana in the Province of Louisiana: A Guide to the Census of 1793* (Ville Platte, La., self-published, 1987), 8.

In 1800, Spain transferred the land west of the Mississippi River to France. West Feliciana Parish, located on the east side of the river, was not transferred to France in 1800 or to the United States in the 1803 Louisiana Purchase. It continued to belong to Spain until 1810 when residents of the parish seized the Spanish barracks in Baton Rouge and declared themselves independent of Spain. They called their country the Republic of West Florida and named St. Francisville its capital. After a short period of independence, and many petitions to the federal government, the United States took possession of the Republic of West Florida on October 27, 1810.<sup>4</sup> In 1812, Louisiana became a state and included Feliciana Parish within its borders. John Mills, one of the founders of Bayou Sara, died that same year.

When the American authorities arrived in Louisiana, they found substantial numbers of free people of color living there. Free people of color were not unknown to American authorities. According to the 1820 Census of the United States, free people of color lived in every state and territory of the Union, although most lived in states along the Atlantic Coast.<sup>5</sup> The fervor of the colonies' revolt against the purported tyranny of Great Britain led many individuals and states to release people held in slavery. Because cries of "Liberty and Freedom!" seemed hypocritical alongside the practice of keeping people in perpetual bondage, the fight for freedom from Great Britain triggered a recognition of the rights of enslaved people to be free. In the Northern parts of the United States, hundreds of individual slaveholders acted to free thousands of enslaved people, and states adopted immediate or gradual emancipation statutes. Historian Ira Berlin called this

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4 Proclamation, 1811 Acts of the Legis. Council Territory of Orleans p. 204.

5 United States Department of Commerce, *Bicentennial Edition, Historic Statistics of the United States, Colonial Times to 1970, Part II* (Washington: Bureau of the Census, 1976), 375-376, Table Bb1-98, "Black population, by state and slave/free status: 1790-1860."

emancipation fervor “egalitarian enthusiasm” and credited it with generating large numbers of free blacks, especially in the mid-Atlantic states.<sup>6</sup>

Louisiana, however, could not attribute its large population of free people of color to America’s Revolutionary ideas. Few in the southern states had sympathy for the general emancipation of people held in slavery. Instead, Louisiana’s French and Spanish occupants provided the early population of Louisiana’s free people of color. The French and Spanish military forces more readily fathered children with Indian and African women than did the British. These fathers often freed their children and sometimes freed the mothers of their children. Slaveholders might free faithful servants or allow selected individuals to generate enough funds to purchase their freedom. Emancipation was an act of paternalism, a kindness rendered to a particular individual or an option available to someone allowed to earn the money to exercise it. The opportunity to earn money was not available to everyone. The gift of freedom was not given to everyone. Such emancipations were far less common in other nearby states. In 1820, Louisiana had 10,476 free people of color, while Mississippi had only 458, Alabama had 571, and Arkansas had fifty-nine. Emancipation in Louisiana was a personal act, not a political one. In addition, immigrants from Haiti and from Cuba added significant numbers of free people of color to Louisiana’s count.

The emancipation of individuals by Louisiana slaveholders was not a renouncement of slavery. Quite the opposite was true. Slaveholders asserted their right to hold slaves as an inalienable property right which predated and, therefore, overrode any newly declared personal right to self-government. They were convinced that free or quasi-free laborers were dangerous. By their logic, the rising expectations of free laborers often led them to rebel when faced with limited

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<sup>6</sup> Berlin, *Slaves Without Masters*, 97.

opportunities for their advancement. Persons under complete control had no choice but to accept the limits on their prospects and, through coercion, could be made more productive. Increased productivity meant greater profits. Aspirations to achieve a lifestyle akin to that of the British elite led slaveholders to grasp more tightly to their human bondsmen. Historian V. Elaine Thompson explained that the ownership of enslaved people allowed residents both to accumulate and to demonstrate their wealth. Wealth grew out of the use of unpaid laborers and took priority over republicanism and its celebration of liberty. In addition, slaveholders greatly valued their enslaved laborers as symbols of their status. As arguments in opposition to slavery resonated more forcefully across the nation, slaveholders' efforts to enshrine their property rights and to justify a continuation of slavery accelerated. Protecting slavery became the paramount agenda in the slave states. In 1826, when Ohio proposed a plan for the gradual emancipation of enslaved people throughout the country, the Louisiana legislature passed a resolution vehemently opposing the idea.<sup>7</sup> The protection of slavery became a rallying cry for local politicians, but individual emancipations did not threaten the institution. Individuals could be emancipated for so long as other individuals remained enslaved.

As a frontier agricultural region in a slave state, West Feliciana Parish had a full complement of enslaved people. In 1820, the United States Census counted 12,733 people in Feliciana Parish, 7,164 of whom were held in slavery. In 1824, the parish was divided along Thompson's Creek creating East Feliciana and West Feliciana Parishes. The 1830 population of West Feliciana Parish included 6,245 people in slavery, 2,290 free white people, and 94 free people

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<sup>7</sup> Edmund S. Morgan, *American Slavery, American Freedom: The Ordeal of Colonial Virginia* (New York: W. W. Norton & Company, 1975), 308-310; V. Elaine Thompson, *Clinton, Louisiana: Society, Politics, and Race Relations in a Nineteenth Century Southern Small Town* (Lafayette: University of Louisiana at Lafayette, 2014), 42; 1826 La. Acts 36.

of color. By 1835, most of the best land in the parish was claimed and, by 1840, the count of enslaved people reached 10,910.<sup>8</sup>

West Feliciana Parish fully embraced slavery. In 1835, Alexis De Tocqueville wrote: “In the South, labor itself is stigmatized as degrading.”<sup>9</sup> In West Feliciana Parish, those with the means avoided that stigma by purchasing others to labor for them. Enslaved workers, using whatever rudimentary tools were available to them, did most of the labor-intensive work required to develop this virgin land into a wealthy agricultural community. They cut the trees and prepared the land for crops. They cultivated the indigo. They planted and picked the cotton and laid and cut the sugarcane. They built the roads and bridges and constructed the homes and other buildings called for by a growing population. In 1840, enslaved workers gathered more than 16 million pounds of cotton.<sup>10</sup> Most of the agricultural, skilled, domestic, and unskilled labor for the region was provided by people held in slavery. While the enslaved population increased in size by 75 per cent in the ten years between 1830 and 1840, the population of free people decreased slightly. In 1840, only 2,065 free white people and 91 free people of color lived and worked in the parish.<sup>11</sup>

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8 Manuscript Census, 1820, Feliciana Parish, La., ancestry.com; Clerk of the House of Representatives, *Abstract of the Returns of the Fifth Census* (Washington: Duff Green, 1832), 32; Department of State, *Compendium of the United States Sixth Census* (Washington: Thomas Allen, 1841), 61-62.

9 Alexis De Tocqueville, *Democracy in America*, 4th ed., trans. Henry Reeve (Cambridge: Sever and Francis, 1864), 2, 473.

10 Department of State, *Compendium of the United States Sixth Census*, 240, “RECAPITULATION OF THE AGGREGATE VALUE, AND PRODUCE, AND NUMBER OF PERSONS EMPLOYED IN MINES, AGRICULTURE, COMMERCE, MANUFACTURES, &c., BY COUNTIES.”

11 Department of State, *Compendium of the United States Sixth Census*, 61-62, “RECAPITULATION OF THE AGGREGATE AMOUNT OF EACH DESCRIPTION OF PERSONS WITHIN THE EASTERN DISTRICT OF LOUISIANA, BY COUNTIES AND PRINCIPAL TOWNS.”



In 1850, 10,666 of the 13,245 residents in West Feliciana Parish were enslaved. Historian Wattine Frazier identified 38 planters in 1850 West Feliciana Parish who enslaved more than 100 people; five of those enslaved between 200 and 500 people and two enslaved more than 500 people. In addition, 106 free people of color lived and worked in the parish.<sup>12</sup> According to the tax rolls of 1853, 10,298 enslaved people, 2,231 free white people, and 70 free people of color produced 2,873 hogsheads of sugar, 4,318 barrels of molasses, 334,000 bushels of corn, and 23,860 bales of cotton. The population of the parish had begun to fall. The 1860 census report showed only 9,571 enslaved people, 2,036 white people, and 64 free people of color-- a decrease in all three population groups.<sup>13</sup> The parish's decline in population was not duplicated statewide. Louisiana's population of enslaved people escalated from 168,452 in 1840, to 244,809 in 1850, and 331,726 in 1860. Its population of free people, black and white, similarly grew from 352,411 in 1840, to 517,762 in 1850, and 708,002 in 1860. Its free people of color population, however, did not show that growth. In 1840, the statewide population of free people of color was 25,502. By 1850 it dropped to 17,462. In 1860, it was up slightly to 18,647. Where West Feliciana Parish experienced a population decline from 1850 to 1860 in all population groups, the rest of the state did not.<sup>14</sup> The character of West Feliciana Parish changed after 1850.

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12 J.D.B. DeBow, *The Seventh Census of the United States* (Washington: Robert Armstrong, Public Printer, 1853), 473, STATISTICS OF LOUISIANA, TABLE I. – “POPULATION BY PARISHES – AGES, COLOR, AND CONDITION – AGGREGATES” – Continued;” Wattine Frazier, “The Great Planter in West Feliciana Parish, La. 1850 to 1860,” (master's thesis, LSU, 1969).

13 Anne Butler & Helen Williams, *Bayou Sara – Used to Be* (Lafayette: University of Louisiana at Lafayette, 2017), 16; Joseph C. G. Kennedy, *Population of the United States in 1860* (Washington: Government Printing Office, 1864), 194.

14 Department of State, *Compendium of the United States Sixth Census*, 61-62; DeBow, *The Seventh Census*, 473; Kennedy, *Population of the United States in 1860*, 194.

According to the 1850 census, 434,495 people, almost two percent of the United States population of 23,191,876, were free people of color. In Louisiana, 17,462 free people of color constituted 3.36 percent of the total population, but 6.4 percent of the free population. Most of them, 9,961, lived in Orleans Parish and represented 9.8 percent of the free population and 8.3 percent of the total population in that parish. Natchitoches Parish had the highest concentration of free people of color at 881 or 13.9 percent of the free population and 6.2 percent of the total population. St. Landry Parish had 1,242 free people of color, second in number only to New Orleans, 10.9 percent of the free population in the parish and 5.65 percent of the total population. Orleans, St. Landry, and Natchitoches Parishes were early sites for Spanish military and trading posts. The soldiers in these outposts who fathered children with Indian and African women held in slavery there contributed to the number of free people of color in these areas. In 1850, West Feliciana Parish had only 106 free people of color, 0.8 percent of the total population and 4.3 percent of the free population.<sup>15</sup>

Statewide, in 1850, five of Louisiana's forty-seven parishes had no free people of color and eighteen had fewer than thirty. Thirteen parishes, including West Feliciana, had between forty and 200 free people of color, and five parishes had between 200 and 500 free people of color. Four had between 500 and 1,000, and two, Orleans and St. Landry, had more than 1,000. Far fewer free people of color lived in the northern part of Louisiana than in the southern part. West Feliciana Parish, near its center, had more free people of color than twenty-seven parishes, fewer than sixteen parishes, and about the same as three other parishes. East Feliciana Parish, to the east of West

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<sup>15</sup> DeBow, *The Seventh Census*, 473.

Feliciana Parish, had only twenty-four free people of color in 1850 despite having a population of 13,598, just slightly more than that of West Feliciana Parish at 13,345.<sup>16</sup>

Free people of color, as family members of slaveholders or as slaveholders themselves, were as much a part of Louisiana as was slavery. Americans coming into the territory were faced with a *fait accompli* and struggled both to adjust to and to change the relationships that had developed between white people and free people of color in Louisiana. Many Americans brought with them attitudes they had developed when dealing with enslaved populations elsewhere, and their plans for protecting slavery influenced their treatment of free people of color. Colonists had enslaved American Indians and used their differences in language and culture to discriminate against the Indians and to form their own identity as Americans. Similarly, Americans emphasized the physical differences of black Americans to facilitate white solidarity. White supremacy became a tool for the protection of slavery. Historian Edmund S. Morgan explained that Virginians, shaken by Bacon's Rebellion where white people found common cause with black people, used racism to separate black people from white people to reduce the likelihood of a servile insurrection. By fostering white people's contempt for black people and American Indians, slaveholders allowed white servants to identify with their masters rather than with their peers. Discontent with upper-class leadership was channeled into hatred based on skin color.<sup>17</sup>

Louisiana's legislators followed the example from Virginia. To protect slavery, legislators enacted laws that discriminated against free people of color. They prohibited free people of color from settling in the state, declared them as undesirable, and required from free people of color obsequiousness towards all free white people which guaranteed all white people a social position

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16 Ibid.

17 Morgan, *American Slavery, American Freedom*, 328, 331, 257.

higher than that of any person of color and permitted poorer white people to form an alliance with wealthier white people. Defining people of color as immutably inferior to them protected the self-esteem of lower-class white people unable to move into the social circles of more wealthy Americans. Slaveholders assured the allegiance of these non-slaveholders by creating a class below them into which even the most unworthy white person would not fall. Aware that degraded conditions produced degraded people, legislators put obstacles in the path of free people of color with the intent that what was said about them would eventually become true.

Free people of color, by their existence, refuted many of the arguments used to defend slavery. Slavery could not be the preordained destination for people of color if not all people of color were held in slavery. Self-sufficient free people of color rebutted arguments that people of color were chronically dependent. They, therefore, offered a direct affront to white supremacy. Free people of color raised fears of insurrection. White slaveholders told De Tocqueville that free people of color would agitate the minds of enslaved people.<sup>18</sup> They might inspire enslaved people to rebel against their enslavers or assist in organizing rebellions.<sup>19</sup> Slaveholders feared free people of color would undermine their control over their enslaved populations. Even worse, free people of color might serve as abolition agents operating in the South to destroy slavery. Ignoring the fact that many free people of color were slaveholders themselves, legislators limited the permissible interactions between free people of color and enslaved people to protect against such organizing.

Legislative action to protect slavery in Louisiana began early. In October 1804, the Governor and Judges of the Indiana Territory, authorized to make laws for the District of

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<sup>18</sup> Tocqueville, *Democracy in America*, 488.

<sup>19</sup> Adele Logan Alexander, *Ambiguous Lives: Free Women of Color in Rural Georgia, 1789-1879* (Fayetteville: University of Arkansas Press, 1991), 36.

Louisiana, required all free people of color to carry a copy of their emancipation papers with them and empowered any justice of the peace to imprison any emancipated person caught traveling without it.<sup>20</sup> Free people of color lived under the constant threat of being mistaken for a person subject to perpetual slavery. Any white person could stop any person of color and demand to see either proof of their free status or permission from their enslaver for them to be on the road. In 1837, white Bennet H. Barrow, a West Feliciana Parish planter who kept a diary in the 1830s and 1840s, called out to a person of color on horseback to stop. The person did not respond and did not stop, so Barrow's riding companion put a load of small shot in his leg.<sup>21</sup> Legislators wanted anyone who had escaped from slavery to be returned to that status. Beginning with the premise that most people of color were enslaved, emancipation papers allowed officials to distinguish people of color whose freedom could be documented from those whose freedom could not. The indignity of having to answer to a stranger must have been galling for free people of color, and the fear of having their proof of free status destroyed by that stranger caused free people of color to be cautious in their travels, to record multiple public records of their free status, and to remember where those records were filed.

In May 1820, when Julia Ann Cornish first arrived in the state from Chatham County, Maryland, she recorded her Maryland registration as a free woman of color. In Maryland, Cornish had been fined \$30 for failing to register. She paid a \$20 registration tax, \$1.25 for her jail fee, and \$1 each for registering, for an affidavit of freedom, and for the cost of her arrest, for a total of

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20 E. Stout, *Laws for the government of the District of Louisiana, Vincennes, Indiana Territory*, (New York: self-published, 1804) 116-117 § 23.

21 Bennet H. Barrow, *Diary*, p. 36, November 19, 1837, Mss. 2978-2014 1833-1846, Vault: 9 v., Louisiana and Lower Mississippi Valley Collections, LSU Libraries, Baton Rouge, La. [hereinafter LLMVC, LSU]

\$54.25.<sup>22</sup> After paying her Maryland costs on May 20, 1818, she carried her receipt when she traveled as proof of her free status. Once she arrived in West Feliciana Parish, she created a local record of her free status by recording her document in the parish conveyance records. Despite her preemptive action, she was arrested and charged on February 23, 1827, by white District Attorney Thomas G. Morgan: “For emigrating to and settling in the Parish of West Feliciana, contrary to the form of the Statutes of the State of Louisiana in such case made and provided and against the peace and dignity of the Same.”<sup>23</sup> The charges against Julia Cornish were dismissed on May 26, 1827, but the intervening three months between her arrest and the dismissal must have been stressful for her. In 1831, after the state law required free people of color to register with their local parish judge, Cornish appeared with white James H. Coulter who swore that Julia was a free woman he had known for twenty years and that she resided all that time in Louisiana.<sup>24</sup> His affidavit was clearly inaccurate, Cornish had been in Maryland in 1818, thirteen years earlier, but it was sufficient to establish her free status for purposes of the 1830 registration requirement.

Along with Cornish, Morgan prosecuted thirteen other free people of color for entering Louisiana after 1807. Bass, Prussia, Sophia, Nathan, Lucy, Abby, Nathaniel Harding, Eliza, Claridon, Elijah, Margaret, Peter, and Albert Prince were each arrested and jailed. By May 28, 1827, the District Attorney had dropped all the charges.<sup>25</sup> His prosecution and dismissal of the

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22 Receipt, State v. Julie Ann Cornish, Book B, p. 224, May 26, 1820, Conveyance Records, Office of the Clerk of Court, West Feliciana Parish, La. [hereinafter WFP, La.]

23 Minute Record Book I 1824-28, p. 281-2 (La.3rd Jud. Dist. Ct. February 23, 1827)

24 Declaration of James H. Coulter, Book D, p. 131, March 7, 1831, Conveyance Records, WFP, La.

25 Minute Record Book I 1824-28, pp. 294-297, 368-369 (La. 3rd Jud. Dist. Ct. May 26, 1827).

charges against these free people of color created a record of their free status that might prove useful to them should that status be challenged in the future, but must have caused much distress in the interim. In addition, the prosecution reminded all free people of color of the precarious nature of their freedom. A few years later, in 1841, the West Feliciana Parish diarist Bennet H. Barrow recorded his displeasure with the abandonment of similar prosecutions: “Our District Attorney (W.D. Boyle) made a beginning towards enforcing the Law, in removing free negroes from the Parish, came to old Greys family, saw the Law in a different Light, no doubt bribed.”<sup>26</sup> White planter Josias Gray lived openly with Ann Maria, a woman he had held in slavery. He legally and publicly acknowledged his children born to her and travelled throughout the community in their company.<sup>27</sup> Barrow seemed to believe that Gray convinced Boyle to forego expelling free people of color from the parish. Gray’s family, however, was not subject to the law Boyle had begun to enforce as they had not moved into Louisiana as free people of color. Ann Maria had been born in Maryland and entered the state enslaved; her children were born in the state.

Martin Barker, who came into West Feliciana Parish in 1827, had an experience very much like that of Cornish and her thirteen co-defendants. Barker had traveled through Randolph County, Illinois, before arriving in West Feliciana Parish. He was stopped and was jailed there because he was not carrying his free papers with him and was presumed to be a runaway. He explained that his papers had been forcibly taken from him at Rock King Cavern on the Ohio River. Barker was kept in jail from the time he was stopped until the time the judge accepted proof of his free status. On January 22, 1827, Barker presented a certificate of his freedom from Dearborn County, Indiana, that had been certified by the Court of Common Pleas in Hamilton County, Ohio. That certificate

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<sup>26</sup> Barrow, Diary, p. 232, August 15, 1841.

<sup>27</sup> Barrow, Diary, p. 188, August 3, 1840.

proved his free status, and the court released him and allowed him to continue his journey. Barker carried the certificate with him to Gallatin County, Illinois, where he filed it in the court records and carried it to West Feliciana Parish where he filed it in the conveyance records in November 1827.<sup>28</sup> Barker hoped that all of these records would protect him from being jailed or, at least, would aid him in getting out of jail should he again be presumed to be a runaway. Traveling without one's certificate of freedom could have even more serious consequences than a jail term while waiting for papers to arrive. As Barrow reported in his diary, white people felt entitled to challenge any person of color they saw and felt free to shoot on sight any person they chose to believe was a runaway.<sup>29</sup>

Even those who were not considered to be people of color sometimes created a public record concerning their free status. In 1842, Robert Baron filed an affidavit from some of his acquaintances asserting:

We have known Robert Baron for several years and entertain no doubt that he is and has been from his birth a free man – never questioned. Said Baron is not, as has been generally supposed, of Negro or African Blood, but is the offspring of an Indian woman and a West Indian Spaniard, born on the island of St. Croix in the year 1815. He first came in the Packet Ship DeWitt Clinton as a cabin boy and made his home in New Orleans. He now works as a steward or servant to gentlemen on a steamship. . . . He has on every proper occasion shown the most decided hostility to the designs of fanatical abolitionists.<sup>30</sup>

For Baron's affiants, his hostility towards abolition was a guarantor of his position on the white side of the black/white line. It was generally believed that free black seamen brought abolitionist

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28 Recordation of Freedom Papers, Book F, pp. 298-299, November 7, 1827, Conveyance Records, WFP, La.

29 Barrow, Diary, p. 36, November 19, 1837.

30 Declaration of Free Status, Book H, p. 249, September 6, 1842, Conveyance Records, WFP, La.



literature with them when they traveled into the slave states and that they enticed enslaved people to escape aboard their ships when they left. A seaman's hostility to abolitionists would work to protect his freedom by assuring the protectors of slavery that he was no threat.

Other statutes made distinctions between white people and people of color. White residents could own as many guns as they liked, but lawmakers restricted gun ownership for free people of color. A black homeowner could keep one gun, and someone living at a frontier plantation could request a license from a justice of the peace to keep offensive and defensive guns and other weapons. The governing authorities did not want a stockpile of weapons in the hands of free people of color where they could be made available to assist enslaved people in a revolt. To further discourage rebellion, legislators imposed a penalty of thirty lashes: "if any negro or mulatto, bond or free, shall lift his hand in opposition to any person not being a negro or mulatto" and a penalty of death without benefit of clergy for plotting to rebel.<sup>31</sup> No penalty was prescribed should any white person lift his hand in opposition to a person of color or if a free person of color struck another free person of color. This legislation provided no recourse to law for free people of color who might become victims of violence.

In May 1806, the first session of the first legislature of the Territory of Orleans sought to subordinate free people of color already within the territory. It declared: "Free people of color ought never to insult or strike white people, nor presume to conceive themselves equal to the white; but on the contrary that they ought to yield to them in every occasion, and never speak or answer to them but with respect, under penalty of imprisonment according to the nature of the offense."<sup>32</sup>

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31 Stout, *Laws for the government of Louisiana*, pp. 116-117 § 23, p. 107 §§ 4, 5, p. 112 § 12, p. 113 § 14.

32 1806 Acts of the Legis. Council Territory of Orleans p. 188 § 40.

The law required free people of color to speak to white people only with respect; white people did not have to show the same level of respect to free people of color. No matter their economic or educational status or their physical or intellectual abilities, white people could, by law, be assured that people with a darker skin color would show them respect even when people with a lighter skin color did not. Reverend H. Cowles Atwater, visiting from Massachusetts, observed that poor white people in the south felt the scorn of the upper-class white people. Their only consolation was to have a class below them.<sup>33</sup> In 1928, historian Ulrich B. Phillips agreed that slavery was defended as a guarantor of white supremacy and civilization.<sup>34</sup> Free people of color were a threat to slavery and controverted the unifying pretense of white supremacy. This law required free people of color to act as if they were inferior when they were not.

Indicative of its fear of free people of color, in April 1807, the Legislative Council of the Territory of Orleans prohibited free persons of color from settling in the territory. It imposed a penalty of \$20 per week if the person stayed more than two weeks. Whoever failed to pay the fine could be sold for a term to cover the costs of the fine or could be employed on public works.<sup>35</sup> This statute made clear that free people of color were not welcome in the territory. The Council went further to emphasize that free people of color were different from white people. In 1808, the

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33 Rev. H. Cowles Atwater, A.M., *Incidents of a Southern Tour: or The South as Seen with Northern Eyes* (Boston: J. P. Magee, 1857), 68.

34 Ulrich B. Phillips, "The Central Theme of Southern History," *American Historical Review* 34, no. 1 (October 1928): 31.

35 1807 Acts of the Legis. Council Territory of Orleans p. 28. "An Act to prevent the emigration of Free Negroes and Mulattos into the Territory of Orleans." ("No free negro or mulatto shall emigrate to or settle in this territory.") West Feliciana Parish was a Spanish possession until 1810. Louisiana's territorial laws became applicable to the parish at the end of that year.

Council imposed a \$100 fine for any notary who failed to note when a free person of color was a party to a notarial act.<sup>36</sup> All sales had to include a notation identifying any seller or buyer who was a free person of color. All wills had to indicate when a testator or a legatee was a free person of color. All judicial proceedings labelled the names of any free people of color who were litigants. This statute reinforced the notion that the difference between being considered “white” and being considered “of color” was significant. If he or she cared to, any buyer considering a purchase could search the property records to learn whether a free person of color had ever owned the property. The buyer could attach whatever significance to that information the buyer wanted. Few buyers in pre-war West Feliciana Parish ever cared. They bought and sold property without concern for the skin color of any prior owners. This labelling stigmatized being “of color,” but, to the benefit of free people of color, it created another public record of their freedom. Records of their free status served to protect free people of color who might at any moment be asked to prove their free status. This stigmatization in the public records paled in comparison to a 1793 North Carolina statute that required free people of color to wear a shoulder patch that said “FREE” to distinguish free people of color from people who were enslaved.<sup>37</sup>

Louisiana drew yet another line between free people of color and white people. In 1812, when the state authorized the governor to organize a military corps of free men of color, it insisted that their commanding officer be a white man.<sup>38</sup> This requirement rejected merit and gave white men a privilege unavailable to black men. Other state statutes would continue to disadvantage free

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36 1808 Acts of the Legis. Council Territory of Orleans p. 138 Chap. 31. Spanish records also indicated when one of the parties to an act of sale was a free person of color.

37 Berlin, *Slaves Without Masters*, 93.

38 1812 La. Acts Chap. 23.

people of color to the advantage of white people. 1830 legislation in Louisiana required all people who wanted a license to sell spirituous liquors to first give the parish judge a bond of \$500. Free people of color, however, had to get the consent of the parish police jury before giving their bond and obtaining their license.<sup>39</sup>

In 1829, abolitionist David Walker wrote a tract to promote the end of slavery. Walker's *Appeal, in Four Articles; together with a Preamble, to the Colored Citizens of the World, but in Particular, and Very Expressly, to Those of the United States of America*<sup>40</sup> immediately began to circulate throughout the country. On March 8, 1830, Robert Smith, a merchant in New Orleans, was arrested for possessing and circulating a copy of the tract.<sup>41</sup> Finding Walker's *Appeal* in the hands of free people of color in the state supported assertions that free people of color would act as abolitionist agents. In 1830, Louisiana's legislators believed they needed a stronger deterrence against free people of color coming in from outside of Louisiana. They authorized the arrest and prosecution "of any free negro, mulatto, or other free person of colour ... come into this state [in violation of the 1807 act] since the first day of January 1, 1825."<sup>42</sup> Apparently, the free people of color who entered the state between 1807 and 1825 in violation of the 1807 act were to be forgiven

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39 1830 La. Acts p. 144 § 6, "AN ACT to amend the Black Code."

40 David Walker, *Walker's Appeal, in Four Articles; together with a Preamble, to the Colored Citizens of the World, but in Particular, and Very Expressly, to Those of the United States of America*, (Boston: self-published, 1829).

41 Sterkx, *The Free Negro in Ante-Bellum Louisiana* 98.

42 1830 La. Acts p. 90 §. 1. "An Act to Prevent free persons of colour from entering into this State, and for other purposes." "Section 1st. Be it enacted by the senate and house of representative of the State of Louisiana in general assembly convened, That all free negroes; mulattoes, or other free persons of colour, who have come into this state since the first day of January of 1825, in violation of an act of the Territory of Orleans, passed on the 14th of April 1807, entitled 'An act to prevent the emigration of free negroes [sic] and mulattoes into the Territory of Orleans,' shall and may be arrested and proceeded against by warrant, before any judge, justice of the peace, or mayor in this state."

and allowed to remain in the state. To distinguish new arrivals from free people of color already in the state, the 1830 act required all free people of color in the state to enroll with a judge of the parish where they lived. Each person would declare their name, birth state, age, and occupation. The cost to enroll was 50 cents. The fine for failing to enroll was \$50, and the punishment was a month in jail.<sup>43</sup> The law placed the burden of proving residence in the state prior to 1825 squarely with the free person of color. It provided: “the presumption shall always be, that they have actually come into the same in violation of this act.”<sup>44</sup> By creating a census of free people of color, this act protected the institution of slavery by providing a check should any enslaved person claim to be free. Authorities could readily identify free people of color who entered the state after 1830 and could identify those people of color who escaped from slavery and sought to blend into the free population. An individual’s claim to free status could be checked in the public records. The emancipation papers free people of color were required to carry could be forged. A registration in the public records of the parish was more difficult to counterfeit.

In addition to again prohibiting free people of color from entering the state and requiring those already present to register, Louisiana’s legislators expressly prohibited the publication of abolitionist documents. When doing so, they prescribed disparate treatment for white people and people of color. White people who authored, printed, or published “literature to diminish the respect free people of color have for whites” could be fined an amount between \$300 and \$1,000 and could be jailed for six months to three years. Free people of color who committed any of those acts would be fined \$1,000 and could be jailed for three to five years. After serving their sentence,

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43 1830 La. Acts p. 90 § 12.

44 1830 La. Acts p. 90 §§ 2, 17.

free people of color would be banished from the state.<sup>45</sup> That same year, 1830, the legislature forbid any writings or the use of language “from the bar, the bench, the stage, the pulpit, or in any place whatsoever . . . in private discourses or conversations . . . having a tendency to produce discontent among the free coloured population of this state, or to excite insubordination among the slaves therein . . .” This crime was punishable by hard labor or death, at the discretion of the court.<sup>46</sup> The legislators made no distinction between people of color and white people in the punishment for this crime. Worried legislators wanted the free people of color in the state to be content, or at least to not articulate their discontent, even as they enacted legislation that discriminated against and disadvantaged them.

Section three of the 1830 act prohibiting incendiary literature and language made it a crime to teach enslaved persons to read or write. The legislators authorized a reward of from \$500 to \$1,000 for offenders violating that law. It is unlikely that many slaveholders made any effort to educate their laborers. Some slaveholders could not read or write themselves. Louisiana did not yet have public schools for its citizens and, generally, primary education was provided by parents or private tutors. This precautionary statute forbade educating enslaved people just in case abolitionist literature was successfully smuggled into the state. It protected against incendiary literature and information that might be of assistance in planning an escape. A threat to slavery could come from within the enslaved community as well as from without. In 1835, a resolution of the state legislature asked the state’s Attorney General to investigate the distribution of the “Report of the committee to whom was referred the subject of the religious instruction of the colored population” and the “Annual Report of the Missionary to the Negroes” to determine if those reports

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45 1830 La. Acts p. 90, § 9.

46 1830 La. Acts p. 96, §§ 1 and 2.

provoked discontent, excited insubordination, or disclosed that enslaved people had been taught to read.<sup>47</sup> As voices were raised in opposition to slavery, Louisiana's legislators acted to silence them. Locally, residents of West Feliciana Parish appointed a Committee of Vigilance of 21 to protect the interests of the parish from the designs of abolitionists. The Committee thanked the postmasters in New York, St. Francisville, Charleston, and New Orleans who refused to send incendiary materials through the mail. It also passed a resolution in favor of planting a colony of free blacks in Texas and sought a federal appropriation to pay for it.<sup>48</sup> Legislators and local residents demonstrated an antagonism to free people of color but only when they felt free people of color threatened slavery.

The 1806 statute that required free people of color to yield to white people in every occasion, apparently, did not have the desired effect.<sup>49</sup> In 1843, legislators felt the need for a statute that threatened disrespectful free people of color with expulsion from the state. The right to remain in the state could "be forfeited by any violation of the laws regulating the duties of free persons of color towards whites."<sup>50</sup> The state was struggling to create a sub-class based on skin color but seemed to have difficulty convincing free people of color to recognize their place in the hierarchy. The state legislature wanted to privilege whiteness, to give Atwater's poor white people a class below them, but free people of color weren't cooperating. The legislators sought other ways to enhance the value of white skin. In 1846, when the legislature contemplated starting public schools, it ordered the assessors in each parish to create a list of white children aged five to fifteen.

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47 1835 La. Acts p. 224.

48 *The Phoenix and St. Francisville and Bayou Sara Advertiser*, October 27, 1835.

49 1806 Acts of the Legis. Council Territory of Orleans p. 188 § 40.

50 1843 La. Acts p. 45, no. 73 § 2.

It made no plans to educate free children of color, and in 1847, it authorized funds for educating white children aged six to sixteen.<sup>51</sup> Free people of color, taxpayers or not, would not receive support from the state to educate their children. In 1848, the legislature offered both black and white veterans of the War of 1814-1815 a pension of \$8 per month for two years. However, the money to pay the pensions of white veterans was appropriated by the legislature; the money to pay the black veterans was to come out of funds not otherwise appropriated, that is, only if money was available after other expenses had been paid.<sup>52</sup> These variants in treatment by the state gave weight to the difference between being classified “of color” and classified “white” and allowed white people to feel more important simply because they were white.

In 1850, the legislature became more aggressive in encouraging free people of color to leave the state by restricting their freedoms. It forbade free people of color from incorporating for religious purposes or for creating any secret associations, and it revoked the corporate status of any existing organizations of free people of color.<sup>53</sup> Abolitionist voices had become increasingly loud and the supporters of slavery feared that any meetings of people of color could be planning meetings for abolition. This statute had little effect in West Feliciana Parish as there is no record of any black organizations formed there before 1850, but free people of color in New Orleans had established many religious, fraternal, and occupational organizations that would have been impacted by this legislation had it been fully enforced.

In 1852, the legislature took a different tack. It threatened white people with a fine of from \$100 to \$1000 and with imprisonment for one month to a year for “gambling or betting with free

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51 1846 La. Acts p. 92, no. 116; 1847 La. Acts p. 178, no. 225.

52 1848 La. Acts p. 19, no. 36, 37.

53 1850 La. Acts p. 179, no. 214.



negroes, mulattoes, or slaves.”<sup>54</sup> This law sought to punish white people for interacting with people of color as equals. It protected white people from the indignity of losing in games of chance to people of color by prohibiting the games. It, consequently, robbed people of color of the opportunity to gloat about gambling victories over white people. It was not until 1855 that free people of color were prohibited from gambling with an enslaved person. The fine and threat of imprisonment for free people of color gambling with enslaved people were the same as established in 1852 for white people gambling with free people of color.<sup>55</sup> This new statute sought to forestall any possible abolitionist activity under the guise of gambling.

In 1859, Louisiana’s legislature bowed to competitive economic interests and enacted a new statute that limited commercial opportunities for free people of color. No free person of color could get a license to “keep a coffee-house, billiard table, or retail store, where spiritous liquors are sold.”<sup>56</sup> This statute, however, did not shutter restaurants or boarding houses owned by free people of color, only coffee-houses, billiard tables, and retail stores. It probably targeted a specific source of competition for liquor sales. Historian John Hope Franklin reported significantly increased hostility from white people in North Carolina when free people of color were economic competitors. Historians Michael Johnson and James Roark reported the same phenomena in Charleston, South Carolina.<sup>57</sup>

Notably, these statutes did not impose segregated housing, or segregated shopping, or segregation in employment. They emphasized that free people of color were unwelcome in the

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54 1852 La. Acts p. 16, no. 27.

55 1855 La. Acts p. 377, no. 308, § 19.

56 1859 La. Acts p. 18, no. 16.

57 Franklin, *The Free Negro in North Carolina*, 137; Johnson and Roark, *Black Masters*, 266.

state and sought to create a caste system where free people of color should not presume to be equal to white people, but they did not physically separate white people from black people. The state was concerned about protecting slavery and its legislators enacted statutes to address those areas where they felt slavery was challenged. These statutes privileged whiteness and provided a balm to white people who did not share in the wealth of the state. They did not severely handicap free people of color in their daily pursuits. Historian David C. Rankin correctly concluded that most people in Louisiana ignored many of the provisions of these laws.<sup>58</sup>

Early residents of West Feliciana Parish moved there while the Spanish controlled the area. The ease of manumission under Spanish rule resulted in the presence of free people of color. American control of the area led to legislation intended to protect slavery by restricting the freedom of free people of color and by appealing to a notion of white supremacy that would garner support from non-slaveholders for the institution of slavery. As slavery was increasingly threatened, legislators added additional restraints on free people of color to discourage their settlement in Louisiana and to protect the enslaved populations from their influence. Despite statutes that privileged white people and sought to establish a caste system to the disadvantage of free people of color, free people of color continued to move into the parish, and people newly emancipated stayed. The reality the legislature sought to establish by enacting laws to the prejudice of free people of color, whether a three-caste system or complete separation of white people from people of color, did not take effect in the parish. Free people of color became a part of their community. They acquired property, worked, owned businesses, attended church, and interacted with other free people in the community, both black and white. They established business and personal

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<sup>58</sup> David C. Rankin, "The Forgotten People: Free People of Color in New Orleans, 1850-1870," PhD diss. John Hopkins University, 1976, 15.

relationships with all their neighbors and were treated fairly by the courts. In West Feliciana Parish, free people of color were well-integrated into their community, a part of it and not separate from it.

## Chapter 2. In the Parish

Free people of color came to be in West Feliciana Parish in various ways. Some moved to the parish already free, traveling alone, with their families, or with free white people. Some enslaved people were able to earn the money needed to purchase their freedom. Others were purchased and then freed by their free family members. For other people of color enslaved in the parish, freedom came as a gift or as a reward for good conduct. Slaveholders frequently cited faithful services as a cause for manumission. Some white fathers of enslaved children freed those children and, perhaps, also their mother. Some testators expressly requested in their will that an enslaved person be freed. Sometimes family members emancipated a person after an owner's death because they believed it the right thing to do. Over the years, Louisiana's legislators changed the criteria and procedures for emancipations intended to take place during the slaveholder's life. These changes regulated who a slaveholder could emancipate, what the act of emancipation had to recite, and whether the newly freed person could remain in Louisiana. Some slaveholders simply ignored these laws. As more free people came into the parish and as more people of color acquired their freedom, more and more children of color were born free, further enlarging the population of free people of color in West Feliciana Parish.

Louisiana's free people of color population more than tripled between 1810 and 1840. Its legislators passed laws forbidding the entry of free people of color into Louisiana, but none of Louisiana's laws stopped them from coming. Free people of color moved into the state and moved into West Feliciana Parish along with other Americans and with immigrants who had recently moved to the United States. The number of free people of color in the parish increased from sixty-four in 1820 to ninety-four in 1830. It decreased to ninety-one in 1840 but rebounded to 106 in 1850.

Between 1816 and 1844, at least twenty free people of color, about ten percent of those found in the parish, moved into the parish already free. They came from Massachusetts, New York, Pennsylvania, Maryland, South Carolina, Indiana, Ohio, and Kentucky. Another thirty or so free people of color may have come into the parish already free, or may have been born free in the parish, but the records are not clear as to when or where they first knew freedom. Nor are the records clear as to how free people of color found out about West Feliciana Parish or why they would choose to move into a slave state. Once there, however, free people of color found a setting where they could live and flourish. Drury Louis Mitchell, born in 1793 of free parents in the Abbeville District of South Carolina, moved to West Feliciana Parish in 1816. When he registered as a free person of color in 1830, six-foot tall Mitchell described himself as “well known in this parish as a reputable and useful man, and a carpenter by his profession and trade.”<sup>1</sup> White Matthew Edwards, Jr. declared that he knew Mitchell’s mother, a free woman living in South Carolina, and remembered going to school with Mitchell when they were boys.<sup>2</sup>

Julia Ann Cornish arrived before May 1820 from Chatham County, Maryland.<sup>3</sup> She brought with her proof of her registration as a free person of color in Maryland. Jesse Wilson moved from Floyd, Indiana. In August 1821, he purchased a claim to land fronting on the

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1 Declaration of Free Status, Book C, pp. 333-334, June 15, 1830, Conveyance Records, WFP, La.

2 Declaration of Free Status, Book H, p. 538, April 12, 1827, filed February 27, 1844, Conveyance Records, WFP, La. John Chavis of North Carolina taught both free black people and free white people for over thirty years. Franklin, *The Free Negro in North Carolina*, 224.

3 Enrollment of Julia Cornish, Book B, p. 224, May 24, 1820, Conveyance Records, WFP, La.

Mississippi River for \$600.<sup>4</sup> From December 1821 through November 1822, he bought another 500 acres on the Mississippi River, five miles above the mouth of the Red River, from the heirs of white Samuel Jones.<sup>5</sup> The heirs of Samuel Jones signed using an X; Wilson wrote his name. In 1824, Wilson sold 400 of the 500 acres he had purchased to white Thomas N. Hosea for 250 cords of good merchantable ash wood delivered to a steamboat on the bank of the Mississippi River.<sup>6</sup> In that act of sale, Wilson described himself as a resident of Feliciana Parish.

Elsey Scott moved to West Feliciana Parish from New Orleans. In 1823, one of her St. Francisville neighbors “vilified her character.” She contacted some of the officers of the United States Army stationed in New Orleans for whom she had worked as a laundress. They declared they had known her for “upward of Twenty-One Years” and agreed: “her character then and ever since has been that of a frugal industrious honest woman.”<sup>7</sup> White M. Nicholson wrote:

I have known Elsey Scott since the year 1808. She has been my washerwoman ever since, acted twice as my nurse when sick. I have never known of any accusation derogatory to her character during that period. On the contrary she was highly recommended to me in the first instance and I have no hesitation in saying that she has maintained the same good character. New Orleans 15 Aug 1823.

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4 Sale, John Eagan to Jesse Wilson, Book B, pp. 396-397, August 14, 1821, Conveyance Records, WFP, La.

5 Sale, Sally Jones to Jesse Wilson, Book AA, pp. 53-54, November 25, 1822, Conveyance Records, WFP, La.; Sale, Nancy Jones to Jesse Wilson, Book AA, p. 55, January 22, 1822, Conveyance Records, WFP, La.; Sale, Rachel McLanon to Jesse Wilson, Book AA, pp. 54-55, December 1822, recorded November 20, 1824, Conveyance Records, WFP, La.

6 Sale, Jesse Wilson to Thomas N. Hosea, Book AA, p. 53, January 8, 1824, Conveyance Records, WFP, La.

7 Statements of James Sterret, Jas. Robimare, Ben. Chur, Sam Moore, I.H. Holland, B. Shaunibugh, James Thirst, Thomas Brace, G.W. Morgan, Book D, p 139, August 15-16, 1823, Recorded March 17, 1831, Conveyance Records, WFP, La.

Despite the insult to her character, Scott stayed in West Feliciana Parish until shortly before her death. In 1842, she died in New Orleans and left her West Feliciana Parish property to a niece who lived in New Orleans.<sup>8</sup>

In 1831, George Douse, born in 1790 in Philadelphia, Pennsylvania, filed his declaration of free status. He and his wife Eliza settled in St. Francisville around 1824 with their two Philadelphia-born sons, John Francis Douse, born 1818, and George P. Douse, born 1819.<sup>9</sup> In West Feliciana Parish, Douse and his wife became the parents of three more sons and a daughter.<sup>10</sup> Douse worked as a steward on the steamer, *Brilliant*, a passenger boat that traveled weekly between Bayou Sara Landing and New Orleans. He later opened a house of entertainment popular with plantation owners in the parish. Douse appeared before a judge in 1840 to say that he knew William Jones to be a free man of color who was born in New York of free parents. Douse asserted that Jones had lived with him since 1821 and had two aunts living free in New York City.<sup>11</sup>

Not all declarations of free status were readily accepted. When Grandison Williams moved to West Feliciana Parish, white parish resident Dr. Samuel A. Jones asked white Jacob Kirby of

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8 Probate Book 9 1841-1842, p. 223, March 18, 1842, WFP, La.

9 Declaration of Free Status, Book D, p. 235, June 14, 1831, Conveyance Records, WFP, La.; The 1856 Certificate of Death for John Douse states that he was born in Louisiana, 32 Orleans Deaths Indices 1804-1885, p. 325, while that of George Douse says he was born in Philadelphia. 22 Orleans Death Indices 1804-1885, p. 363.

10 Richard McKennon Douse, born August 12, 1834, Michael William Douse, born July 27, 1836, Mary Elizabeth Douse, born March 3, 1838, and Daniel Turnbull Douse, born in 1840. Affidavit of Freedom of George + Eliza Douse and their children by Brisbane Marshall, Book H, p. 244, September 1, 1842, Conveyance Records, WFP, La.; Affidavit of Elizabeth Townsend, September 24, 1904, Pension File of Richard Douse, File no. C 2536643, Civil War and Later Pension Files, Records of the Veterans Administration, Record Group 15, National Archives, Washington, D.C.; Orleans Deaths Indices 1804-1885.

11 Affidavit of Free Status, Book G, p. 169, November 6, 1840, Conveyance Records, WFP, La.

Highland County, Ohio, to verify Williams's claim to his free status. Kirby obtained statements from three men personally well-acquainted with Williams and replied to Jones's inquiry: "Your favor in relation to the colored man Grandison Williams . . . I have procured the proper evidence in favor of his freedom. I am well acquainted with the fact he is a free man." Kirby noted that Williams's mother, Nancy Williams, was free and added: "His mother wishes you to say to him that she wishes him to return immediately home."<sup>12</sup>

Free people of color continued to come into the parish even after the 1830 legislation that required them to enroll with the parish judge. Ellen Campbell, who had been born of free parents in Pennsylvania, came to Louisiana in 1837.<sup>13</sup> Thomas Phelps, a shoemaker, had been born in Annapolis, Maryland, and registered in the parish in 1844.<sup>14</sup> Jordan Ritchie may have been visiting when he came into the parish in 1831 from Woodford County, Kentucky. Being "sick and weak of body," he wrote his will in St. Francisville shortly before he died.<sup>15</sup> Free people of color probably came to West Feliciana Parish for the same range of reasons free white people came: to find for themselves a better life. West Feliciana Parish offered an environment acceptable enough to attract them and to allow them to remain.

Although most free people of color who moved into West Feliciana Parish came alone, a few travelled to Louisiana as a part of the households of white people. White enslaver Bennett J.

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12 Jacob Kirby to Samuel Jones, Book G, p. 41, Book H, p. 42, September 26, 1839, Conveyance Records, WFP, La.

13 Affidavit of Free Status, Book H, p. 191, April 29, 1842, Conveyance Records, WFP, La.

14 Affidavit of Free Status, Book H, p. 566, May 4, [1844] recorded in error as 1839, Conveyance Records, WFP, La.

15 Will of Jordan Ritchie, Book F, p. 315, November 7, 1831, Conveyance Records, WFP, La.; Box 90, Succession Records, WFP, La.



Barrow swore that he was acquainted with Lucinda Wilkins and with her mother. His father had brought Wilkins' mother, then a free woman, with him to Louisiana.<sup>16</sup> Julia Gardner, born a free native of Salem, Massachusetts, was taught to read and write before she left there. In a November 1840 statement written in Cincinnati, Ohio, white Joseph Pierce declared that Gardner had been "placed under my protection in 1810 and emigrated with the author and his family to the Western country in 1821."<sup>17</sup> White Capt. A. L. Walsh, a plantation owner in West Feliciana Parish, brought two free men of color into the parish with him. Both Aaron and Caesar had been his indentured servants. When their terms of service expired, they stayed in the parish.<sup>18</sup>

Most of the parish's free people of color – nearly two-thirds - had been enslaved. Twenty were able to purchase their freedom. An enslaved person could purchase themselves by paying a price negotiated with their owner. Louisiana's 1825 Civil Code re-inscribed earlier law that an enslaved person had no capacity to enter into any kind of contract except a contract related to his or her own emancipation. An enslaved person could not require an enslaver to agree to a sale, as was possible under Spanish law, but, once an enslaver consented to a certain price, the enslaver was bound to the sale when the price demanded was paid.<sup>19</sup> The problem was in getting the money to make the purchase.

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16 Affidavit of Free Status, Book H, p. 50, August 4, 1841, Conveyance Records, WFP, La.

17 Affidavit of Free Status, Book K, p. 132, November 4, 1850, Conveyance Records, WFP, La.

18 Statement of C. Woodroof, Book F, p. 286, May 10, 1828, Conveyance Records, WFP, La.; Declaration of Free Status, Book E, p. 359, March 12, 1827, Conveyance Records, WFP, La.

19 La. Civ. Code art. 174 (1825). ("The slave is incapable of making any kind of contract, except those which relate to his own emancipation.") Under Spanish law, an enslaved

A limited number of opportunities existed for an enslaved person to acquire money. A slaveholder might allow an enslaved person to hire themselves out and keep a portion of their earnings. This opportunity was more readily available to enslaved people living in cities and to those with skills in high demand. Others, though, were also granted this limited liberty. An enslaved person might be allowed to keep a garden or care for chickens or pigs. Generally, the proceeds from the sale of the produce or animals would belong to the enslaved person.<sup>20</sup> In 1832, when white Henry Flowers manumitted Abel, he noted that Abel had been allowed to labor for himself. He wrote: “Abel . . . has resided since 1823 in the neighborhood, has labored for himself, his conduct for sobriety and industry have been exemplary.”<sup>21</sup> In 1850, when white Hardy Perry died, his estate paid \$76.97 to people he had held in slavery for corn belonging to them that was sold on their behalf.<sup>22</sup>

West Feliciana Parish offered enough self-hire opportunities that enslaved people from outside of the parish came to work there. White Samuel Nesmith of Amite County, Mississippi, gave Nitty permission to go to Bayou Sara to hire herself out for a year. White Chauncey Pittibone of Wilkinson County, Mississippi, allowed Silvia to travel to St. Francisville to work. Pittibone required Silvia to pay him \$15 per month until she had paid a total of \$700, the price for her

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person could demand that a judge set a purchase price and the slaveholder was required to grant the emancipation once the price was paid.

20 Ira Berlin and Philip D. Morgan, eds., *The Slaves' Economy: Independent Production by Slaves in the Americas* (London: Frank Cass, 1991). This collection of papers documents and compares the opportunities given to enslaved people to earn an income in various jurisdictions.

21 Act of Emancipation, Book D, p. 525, December 31, 1832, Conveyance Records, WFP, La.

22 Succession of Hardy Perry, December 12, 1850, Box 80, Succession Records, WFP, La.

freedom. She made her last payment on January 3, 1838, and was freed.<sup>23</sup> Not all enslaved people had an opportunity to accumulate the monies needed to pay for their freedom. A slaveholder had to permit both the opportunity and the accumulation. Louisiana's Civil Code stated: "All that a slave possesses, belongs to his master; he possesses nothing of his own, except his *peculium*, that is to say, the sum of money, or moveable estate, which his master chooses he should possess."<sup>24</sup> When allowed to keep a portion of their earnings, enslaved people could save their *peculium* to purchase their freedom.

In 1820, Amos Hoe listened to others bidding for him at the probate sale of his deceased owner's property and paid \$1,200, the amount of the last bid, for his freedom.<sup>25</sup> Hoe may have earned his money buying and selling horses while he was enslaved. He bought and sold horses after he became free. Similarly, Phil paid \$450 to the heirs of Stewart for his freedom.<sup>26</sup> Self-purchase would continue to provide a path to freedom, even as manumission by other methods was prohibited. In 1856, Titus paid \$600 for his freedom,<sup>27</sup> and in May 1863, forty-two-year old Daniel Davis paid \$1,500 to be set free.<sup>28</sup> It may be that Davis soon regretted paying so much for

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23 Travel Pass, Book E, p. 254, May 23, 1834, Conveyance Records, WFP, La.; Sale, Chauncey Pittibone to Silvia, Book G, p. 248, July 29, 1839, Conveyance Records, WFP, La.; Act of Emancipation, Book G, p. 39, November 1, 1837, Conveyance Records, WFP, La.

24 La. Civ. Code art. 175 (1825).

25 Sale, Heirs of Bell to Amos Hoe, Book B, p. 306, December 18, 1820, Conveyance Records, WFP, La.

26 Sale, Heirs of D. Stewart to Phil, Book F, p. 43, July 6, 1835, Conveyance Records, WFP, La.

27 Act of Emancipation, Book M, p. 84, February 5, 1856, Conveyance Records, WFP, La.

28 Act of Emancipation, Book N, p. 573, May 13, 1863, Conveyance Records, WFP, La.

his freedom when freedom was so near, or it may be that even one additional day of freedom was worth any price.

Two enslaved men agreed with their slaveholders to purchase their freedom on a payment plan. William Chew made irregular partial payments towards his \$350 purchase price from January to October 1827. White John H. Mills freed Chew in July, before he had completed his payments, trusting Chew to follow through. Chew made his final payment of \$27 and 12½ cents on October 16, 1827, totaling \$300; Mills forgave the last \$50 needed to reach the agreed upon price.<sup>29</sup> Chew was then forty-five years old. Reuben Adams contracted with white Jesse Boyd to pay \$1,500 plus eight percent interest from January 1, 1855, plus expenses for his freedom. In February 1857, Boyd recorded that Adams had already paid \$635.<sup>30</sup> Adams paid the remaining \$900 in December 1857.<sup>31</sup>

In some cases, an enslaved person would pay the agreed upon purchase price in full, but not be freed immediately. In a sort of pay now, get free later plan, Phoebe paid \$300 cash in 1831 but had to wait nine years for her freedom.<sup>32</sup> In 1832, Peter Ambrose paid \$530 to white Henry Burroughs but would not be free until four years later.<sup>33</sup> In 1857, white Jesse Boyd decided to free

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29 Act of Emancipation, Book AA, p. 317, July 25, 1827, Conveyance Records, WFP, La.

30 Act of Emancipation, Book M, p. 40, February 6, 1857, Conveyance Records, WFP, La.

31 Act of Emancipation, Book M, p. 548, December 29, 1857, Conveyance Records, WFP, La.

32 Act of Emancipation, Book H, p. 260, January 14, 1840, Conveyance Records, WFP, La.

33 Act of Emancipation, Book D, p. 382, February 29, 1832, Conveyance Records, WFP, La.

fifty-five-year old Caroline Boyd. He reported that he took her \$500 but required her to stay and remain enslaved to him until his death and required her to pay all the expenses incurred in obtaining her freedom papers after his death.<sup>34</sup> There is no way to know if Caroline actually paid the \$500. It may be that Boyd planned to emancipate Caroline at his death but characterized his manumission of Caroline as a sale to protect Caroline from his creditors. The conveyance records recorded Caroline's emancipation as a sale, and creditors would be bound by that record. Caroline would not be free until Boyd's death, but his creditors could not sell her to pay his debts. Conveyance records indicated that a total of sixteen adults purchased themselves. Two mothers included their children in their purchases.<sup>35</sup>

From 1837 until 1850, eighteen people, primarily family members, were owned and then freed by free people of color. After William Chew purchased his freedom in October 1827, he saved to buy his wife Mariah, for \$225. By 1839, he was able to buy four of his children, George 30, Harriet 27, Mary 13, and Arie Ann 22, and Harriet's daughter, three-year old May Lilly, and had emancipated them.<sup>36</sup> In 1837, William Marbury applied to the police jury to free John Hill.<sup>37</sup> That same year, Eliza Wilkins, enslaver and possessor of her father, Caesar, emancipated him and

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34 Act of Emancipation, Book M, p. 260, February 6, 1857, Conveyance Records, WFP, La.

35 Maria Wicker purchased herself and three children. Sale, Daniel Wicker to Maria, Book H, p. 238, May 26, 1842, Conveyance Records, WFP, La. Prudence purchased herself and her son Thomas. Sale, John C. Morris, Book H, p. 75, June 23, 1841, Conveyance Records, WFP, La.

36 Sale, Mary Shouler to Billy Chew, Book D, p. 266, March 8, 1831, Conveyance Records, WFP, La.; Act of Emancipation, Book G, p. 7, June 12, 1839, Conveyance Records, WFP, La.

37 Act of Emancipation, Book F, p. 239, March 11, 1837, Conveyance Records, WFP, La.

gave him his absolute freedom. As her reason, she wrote: “In consideration of [the] love and friendship and gratitude she owes to her father.”<sup>38</sup>

In 1840, Ellen Wooten purchased her granddaughter, Margaret, and Margaret’s son, Augustine, from Mrs. Mary Stirling, the widow of plantation owner Henry Stirling who had once held Wooten in slavery. Wooten sent Margaret and Augustine to Cincinnati to become free.<sup>39</sup> In April 1842, when Priscilla Davis dictated her will, she expressed in it a desire to free her sister, Rose Ann Davis, and her niece, Cassy Ann Davis, at her death and to leave her entire estate to them to be held in common during their lives. She included a clause to free Elizabeth, who was then thirteen years old, but only on condition that Elizabeth continue to live with Rose Ann Davis and Cassy Ann Davis for the remainder of their lives. Elizabeth and her children would inherit the estate if both Rose Ann and Cassy Ann Davis died before Priscilla Davis or if Rose Ann and Cassy Ann Davis died without other children. Instead of waiting until her death, Davis freed her relatives during her life. In 1842, their Deeds of Emancipation were recorded in the West Feliciana Parish Conveyance Records.<sup>40</sup>

In 1848, when Celia Guibert wanted to purchase her twenty-five-year old daughter, Louise, she had only \$604.59.<sup>41</sup> She had to mortgage her daughter for the remaining \$249.41 needed to

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38 Act of Emancipation, Book F, p. 290, July 17, 1837, Conveyance Records, WFP, La.

39 Sale, Mary Stirling to Nelly Wooten, Bills of Sale 1, p. 347, February 13, 1840, Office of the Clerk of Court, WFP, La.; Petition of Margaret Smith, Succession of Ellen Wooten, Box 111, Succession Records, WFP, La.

40 Will, Priscilla Davis, Book H, pp. 184-185, April 20, 1842, Conveyance Records, WFP, La.; Act of Emancipation, Book H, pp. 225-226, July 7, 1842, Conveyance Records, WFP, La.

41 Sale, Cora Guibert to Celia Guibert, Book I, pp. 513-514, December 4, 1848, Conveyance Records, WFP, La.

pay her purchase price. Henry Oconnor, who had been free since his childhood, chose as his mate a woman who was enslaved. On June 3, 1847, Oconnor purchased his wife and five children. In 1850, Henry Oconnor received permission from the parish police jury to free “his slave Ann and her six children.”<sup>42</sup> In 1855, Maria Wicker, who had purchased her own freedom in 1842, purchased two of her sons.<sup>43</sup> To free them, she would have had to sue the state and her sons would have had to leave Louisiana within one year. She opted to continue to own them but allowed them to work for themselves and to keep their wages. Other enslaved people were freed by white slaveholders, often after their death.

Approximately fifteen percent of the free people of color in the parish had been freed by a white slaveholder’s will or by the slaveholder’s heirs after the slaveholder’s death. Historian Clayton E. Cramer observed that slaveholders could relieve their consciences with testamentary emancipations without impacting their pocketbooks.<sup>44</sup> During their life, slaveholders benefitted from the free labor provided by enslaved people. After their death, they could go to eternal rest believing they had done something good by their dying. A slaveholder who released an enslaved person from slavery during his or her life could be sure that the intended beneficiary would indeed be freed. One who planned to release a person after his or her death might or might not accomplish that goal.

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42 Sale, William Harriet Mathews to Henry Oconnor, Book I, p. 373, June 3, 1847, Conveyance Records, WFP, La. (Ann, 32, yellow; and children of Ann: John 9, yellow; Henry 7, yellow; Sarah 4, yellow; Mitchel 3, yellow; Emily 7 mos. for \$1,000); Act of Emancipation Book K, p. 137, November 6, 1850, Conveyance Records, WFP, La.

43 Sale, John Valentine to John Holmes as agent for Maria Wicker, Book L, p. 551, June 13, 1855, Conveyance Records, WFP, La.

44 Cramer, *Black Demographic Data*, 20.

Louisiana's laws expressly permitted manumission by will. Testators were free to dispose of their property however they chose, so long as all their creditors were paid and the portion required by law to be left to their children, if the testator had children, or to living parents in the absence of children, was given to them.<sup>45</sup> People intended to be freed by a will could be deprived of their freedom when the testator's estate could not afford to free them. Creditors would be paid before enslaved people were freed. Children or parents would get their portion before an enslaved person would be free. An enslaved person intended to be freed after a slaveholder's death could be sold to pay a decedent's debts or to pay the portion due to the testator's children or parents and would continue in bondage.<sup>46</sup> When estates could otherwise meet their financial obligations, estate administrators generally followed the wishes of the testator, but not all heirs were compliant. Enslaved people who were aware that a will provided for their freedom might be forced to sue to become free. Those unaware would not know to sue a non-compliant heir for their freedom.

Some testamentary emancipations were simple. James Doherty directed that Mary be emancipated from all his heirs. John Norris directed that Sall should have her freedom immediately after his death.<sup>47</sup> Others were more complex. In his 1807 will, Joseph Lejeune set Fortune and his wife Louisa free and at full liberty to provide for themselves after his death. He also set free Celia's

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45 Louisiana's 1825 Civil Code required a parent to leave one-third of their property to their child if the parent had one child, one-half of their property to two children to share, if they had two children, and two-thirds of their property to share if the testator had three or more children. If the testator had no children but had a living parent, the parent was to get one-third of the testator's property. The testator could give the rest of their property to whomever the testator chose. La. Civ. Code arts. 1480 and 1481 (1825).

46 1804 Laws of the District of Louisiana p. 107 "A Law Respecting Slaves." §. 23; La. Civ. Code art. 190 (1825) ("Any enfranchisement made in fraud of creditors, or of the portion reserved for forced heirs, is null and void. . .")

47 Will of James Doherty, September 24, 1842, Box 30, Succession Records, WFP, La.; Will of John Norris, May 8, 1815, Box 65, Succession Records, WFP, La.



son named Joe but he required his wife to cloth and nourish Joe until Joe was 20 years old, “but only if he behaves well.”<sup>48</sup> In 1830, LeJeune’s widow, Constance Beauvais, published the appropriate application, and Joseph LeJeune became a free man.<sup>49</sup> In 1832, at her death, Beauvais asked that Celia be freed, but only if Celia wanted to be emancipated. Celia would have to weigh the responsibility of providing for herself against the yoke of continuing under the control of someone else. She would consider her age, her skill level, her health, and whether her son, Joseph LeJeune, could care for her in deciding whether she wanted to be free. In 1836, Joseph LeJeune bought a lot in St. Francisville, probably to provide a home for himself and his mother, but neither Joseph nor Celia LeJeune appear on the 1840 census.<sup>50</sup>

In his May 30, 1816, will, William Weeks acknowledged his relationship to a woman he had held in slavery. He had recently freed “the mulatto woman, Ann Maria Curtis, now living with me as house-keeper,” and wrote:

It is known to my legal and forced heirs . . . that the children of said Ann Maria, viz: Edmund or Edward Wilson, Mary-Ann or Mary Anna, and William, still slaves, I acknowledge to be my illegitimate children, and that it is my desire that they be enfranchised as soon as it can be done by law – and it is further known to my heirs aforesaid, that the youngest child of said Ann Maria named Wellington Curtis, born free, I also acknowledge to be my illegitimate child.<sup>51</sup>

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48 Will of Joseph David Lejeune, January 30, 1807, Box 62, Succession Records, WFP, La.

49 Act of Emancipation, Book D, p. 65, April 5, 1830, Conveyance Records, WFP, La. Louisiana’s Civil Code article 187 (1825) required her to declare her intent to emancipate Joseph to the parish judge, then advertise the intended emancipation for forty days.

50 Will of Constance Beauvais, April 26, 1832, Box 9999, Unsorted Records, WFP, La.; Sale, Isaac Johnson to Joseph LeJeune, Book F, p. 150, July 14, 1836, Conveyance Records, WFP, La.; Manuscript Census, 1840, WFP, La., ancestry.com.

51 Will of William Weeks, May 30, 1816, Succession of William Weeks, Box 113, Successions Records, Office of the Clerk of Court, WFP, La.; See, also Book A, p. 167, October 2, 1817, Conveyance Records, WFP, La. (Weeks could not read or write. The varied spellings of names reflect the uncertainty of the notary who recorded Weeks’s dictated will.).

Weeks had two legitimate children, David and Pamela, born of his 1768 marriage to Rachel Hopkins, who died in 1790. They received four-fifths of his estate. Weeks's younger children were considered illegitimate because Weeks was not and could not be married to their mother. The four illegitimate children shared the remaining one-fifth of his estate with their mother. Weeks's bequest to them began: "Now to do by these my illegitimate children and Ann Maria aforesaid, their mother, the part that becomes a man and a Christian, I give and bequeath . . ." Curtis received one twenty-fifth of his estate. Wellington, the child born free, received one twenty-fifth. The remaining three twenty-fifths went to Curtis in usufruct with the intent that the three children still enslaved would acquire its ownership once they were freed. Weeks instructed his estate executors, his son, David Weeks, a successful sugar cane planter in southern Louisiana, and his grandson, that if the three children still held in slavery could not be freed within three years, they were to take the children to Pennsylvania at the expense of his estate and to free them there.

Weeks gave \$16,000 to his son to spend on behalf of the children. The interest from the money was to pay the costs of caring for and educating the four children, and each child was scheduled to receive \$4,000 from the principal as that child became an adult.<sup>52</sup> In addition, Weeks instructed his son to give to Curtis 195½ acres of land on the west side of Bayou Sara and an enslaved ten-year old girl named Hannah. On July 17, 1816, Curtis personally appeared to accept these donations.<sup>53</sup> She held onto the land until 1825 when she sold it to a white buyer. She died in

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<sup>52</sup> Agreement between David Weeks and Hercules O'Connor, James O'Connor, and Stephen Bell, Book A, p. 166, October 2, 1817, Conveyance Records, WFP, La. These three men were cousins of David Weeks.

<sup>53</sup> Donation, David Weeks to Curtis, Book A, p. 112, July 17, 1816, Conveyance Records, WFP, La.

1826.<sup>54</sup> Weeks waited until he was near death to decide to free his children and their mother, but he discussed their welfare with his son and left money, property, and instructions for their benefit.

In 1841, Moses Horn used his will to set free his house woman Ann Higdon.<sup>55</sup> He directed that his executors give Higdon five hundred dollars cash and that his “negro man” named Guy also should be free. He added that his “colored boy,” probably his child with an enslaved woman, should remain with Drury Mitchell, a free man of color master carpenter, until March 1845 and then be free.<sup>56</sup> In 1850, John C. Morris gave his servant Betsey her freedom, fifty dollars cash, and all her furniture.<sup>57</sup> Like Horn, Morris gave Betsey a bit of a head-start on her freedom. With fifty dollars, she could rent a place to live while she looked for work. These testators died instructing but not insuring that, after their deaths, individuals particularly known to them would be released from bondage immediately. Other testators contemplated a delayed freedom.

Ann Chew asked that Jerry, then ill from disease, be required to serve his new master for three years before he should be freed.<sup>58</sup> John Bettis left Hannah to his brother but asked that Hannah be freed after one year and six months.<sup>59</sup> Samuel Kemper bequeathed Betsey Kemper and her two children, Nancy and Alexander, to his sister Betsey Fishback but added conditions. When

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54 Sale, Curtis to Sholar, Book AA, p. 10, March 14, 1825, Conveyance Records, WFP, La.

55 Declaration of Free Status, Book H, p. 197, May 11, 1842, Conveyance Records, WFP, La.

56 Will of Moses Horn, July 1, 1841, Box 43, Succession Records, WFP, La. During his tenure in the parish, Mitchell would train ten or so apprentices to become carpenters.

57 Will of John C. Morris, November 31, 1850, Box 65, Succession Records, WFP, La.

58 Will of Ann Chew, October 21, 1820, Box 24, Succession Records, WFP, La.

59 Will of John Bettis, June 30, 1833, Succession of Kesiah Middleton, Box 68, Succession Records, WFP, La.

Betsey Kemper could pay \$150, she should be freed for life. Alex was to be free when he turned twenty-one on November 15, 1833. If Samuel's sister died before then, Alex was to be bound as an apprentice to a house carpenter or a house joiner for the three years just before he came of age "to enable him to make a living due to the defects in his eyes."<sup>60</sup> Betsey Kemper paid Betsey Fishback \$150 on August 28, 1815, and was freed.<sup>61</sup> Nancy remained enslaved to Fishback. One set of heirs refused to release an enslaved person despite the language in a will expressly directing that they do so. Moses Kirkland instructed that, at his death, Peter should be freed. Kirkland's heirs were resistant, and Peter had to sue the executors of Kirkland's estate to secure his freedom. The court saw no reason why Peter should not be freed as Kirkland intended because no creditors or heirs would be deprived of their entitlements.<sup>62</sup> The law allowing emancipations by will left the power to emancipate in the hands of the testator. Creditors and heirs could frustrate that intent, but only if the portion due to them was not paid.

Other slaveholders created even more complicated arrangements. In 1833, Henry Collins sold Mary Anne Jane to Hardy Perry, but Perry agreed that Jane would stay with Collins until Collins died. Perry would then become Jane's guardian. In the agreement, Perry promised to allow Jane to labor for herself and promised to arrange for her freedom if Jane should outlive Perry.<sup>63</sup> Jane would not be free until death freed her: her own or that of both Collins and Perry. Perry lived until 1854. Similarly, John George Shrim held onto Clorressy until his death. Shrim owned 640

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60 Will of Samuel Kemper, September 28, 1814, Succession of Reuben and Samuel Kemper, Box 56, Succession Records, WFP, La.; Probate Record Book I - 1811-1819, p. 120-121, WFP, La.

61 Probate Record Book I (1811-1819), p. 129, West Feliciana Parish, La.

62 Minute Record Book I, 1824-1828, p. 413 (La. 3rd Jud. Dist. Ct. December 14, 1827).

63 Succession of Hardy Perry, January 7, 1833, Box 80, Succession Records, WFP, La.

acres between the east and west prongs of Thompson's Creek. He sold 440 acres to Solomon M. Brian outright for \$1,000.<sup>64</sup> In exchange for the remaining 200 acres and for Shrim's cattle, hogs, household and kitchen furniture, and three enslaved persons, Brian agreed to give Shrim \$50 on January 1 of each year, attend to Shrim's business, and furnish Shrim with a workforce for the rest of Shrim's life. At Shrim's death, Brian was to free Clorressy at Brian's expense. Brian was to keep Clorressy under his care and protection after she was emancipated and to give her three cows and calves and "sufficient household and kitchen furniture to enable her to go to housekeeping."<sup>65</sup> Clorressy would not be free until after Shrim's death, but, once free, she would not be set adrift in her old age. She would be cared for and given furnishings to establish her household.

These testamentary emancipations demonstrate the very personal nature of emancipation in West Feliciana Parish. The enslaved people who were freed were known to their enslavers and were treated differently from other people enslaved by those same owners. Some service or relationship distinguished people scheduled for freedom from others who were not. Some slaveholders made an extra effort to care for underage children or to give the newly emancipated person some initial support in their new life. At their deaths, no slaveholder in West Feliciana Parish emancipated more than a handful of slaves.

Even when a will did not expressly call for an emancipation, heirs of a deceased person might satisfy a dying request of the decedent by manumitting an enslaved person. When Joseph Johnson freed Jim, about fifty years old, from slavery, he was obeying a wish expressed to him by

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64 Sale, John G. Shrim to Solomon M. Brian, Book AA, p. 123, October 26, 1827, Conveyance Records, WFP, La.

65 Sale, John G. Shrim to Solomon M. Brian, Book AA, p. 336, November 15, 1827, Conveyance Records, WFP, La.; Sale, John G. Shrim to Solomon M. Brian, November 15, 1827, Conveyance Records 1811-1954, Sco-Sim, Book 73, p. 189, WFP, La.

his father, Isaac Johnson.<sup>66</sup> The heirs of Thomas Ambrose acknowledged the intent of Ambrose to give his faithful servant Peter his freedom. They remarked: “Thomas was prevented from this act by his sudden and unexpected death” and requested that the administrators of Ambrose’s estate perform whatever further acts were necessary to complete the emancipation.<sup>67</sup> With the consent of the heirs of Mary Ratliff, Adam Bingaman, the administrator of Ratliff’s estate, emancipated Sandy, aged fifty, who, Bingaman said, had been of great service to Mary Ratliff and her family. Bingaman concluded: “He merits his freedom.”<sup>68</sup>

John J. Collins of Mississippi appointed Norman Davis, a free man of color, as his attorney in fact to carry Catherine Childress, a black woman about twenty-seven years old, and her children, Dulcinia, about seven, Christopher, about three and a half, and William, about two years, into one of the states, Illinois, Indiana, or Ohio, to free them. In the 1840 act emancipating Childress and her children, Collins wrote that he was the only brother of William Collins, Childress’s enslaver until his death, and that Collins had no children or parents or wife who could make a claim to his estate. Aware of Childress’s “meritorious services and ... faithful, honest + discreet conduct,” he carried out the intentions of his brother to free Childress and her children at his death.<sup>69</sup> Childress’s Act of Emancipation particularly noted that William Collins left no creditors, children, or parents who would be deprived by this emancipation of any property due them. One heir was simply reluctant to hold a man in slavery. Ezekial Haynie of Somerset County, Maryland, without

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66 Act of Emancipation, Book E, p. 126, April 2, 1833, Conveyance Records, WFP, La.

67 Act of Emancipation, Book D, p. 420, June 22, 1832, Conveyance Records, WFP, La.

68 Act of Emancipation, Book AA, p. 419, May 24, 1828, Conveyance Records, WFP, La.

69 Appointment of Norman Davis, Book F, p. 284, April 3, 1835, Conveyance Records, WFP, La.; Act of Emancipation, Book G, p. 219, April 3, 1840, Conveyance Records, WFP, La.

prompting by his progenitor, emancipated Peter, “a man who fell into my hands on the division of my mother’s estate.”<sup>70</sup> Rather than sell him, he freed him.

Unlike emancipation by will, emancipation during the life of a slaveholder often guaranteed freedom for the intended beneficiary. The enslaver was alive to ensure that the emancipation took place. However, the laws regulating who could be emancipated and what process to use to accomplish the emancipation changed over time and might have frustrated a potential emancipator. Consistent with Spanish legal tradition, the legislators for the District of Louisiana were at first very liberal in permitting enslavers to free those they held enslaved. Freedom could come by the slaveholder signing an Act of Emancipation before two witnesses and a notary. An 1804 statute even required the freeing slaveholder to support and maintain any freed person who was not of sound mind and body, who was above age forty-five, or who was still a minor, if male, under age twenty-one or, if female, under age eighteen. Any freed person would be given a copy of the emancipating papers, and any justice of the peace could jail an emancipated person who was traveling without this instrument evidencing their emancipation.<sup>71</sup>

Very quickly, though, those legislating for Louisiana began to implement restrictions on emancipation. In 1807, they passed a law so that only enslaved people over age 30 and of good character for the prior four years could be set free. Age did not matter when the freedom was a reward for saving the life of their enslaver or the enslaver’s wife or child.<sup>72</sup> The slaveholder wanting to emancipate a person would publish a notice of an intent to emancipate in a local

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70 Act of Emancipation, Book B, p. 47, December 19, 1797, Conveyance Records, WFP, La.

71 1804 Laws of the District of Louisiana pp. 116-117, §23.

72 La. Civ. Code art. 186 (1825).

newspaper. If no opposition to the emancipation was filed with the court, a parish judge could issue the emancipation papers.<sup>73</sup> To emancipate someone who was not yet thirty, the slaveholder had to petition the state legislature for permission. When the United States took possession of West Florida in 1810, West Feliciana Parish became subject to these laws.

These statutes informed who could or could not be freed and anticipated the language the freeing slaveholder would use in their act of emancipation. In 1819, when David Weeks emancipated and “forever set free and at liberty” Leah Savage, he needed to state that she was over age thirty and had good character. Weeks stated that Savage was thirty-two years old and was freed “for a very good cause and consideration, to wit [her] honesty, probity and good conduct.”<sup>74</sup> In 1824, Mary Lane characterized Old Dinah as a faithful servant who always conducted herself to the satisfaction of her owners. Lane was satisfied that “if she errs hereafter it will be through ignorance.”<sup>75</sup> In June 1825, plantation owner Josias Gray freed 30-year old Ann Maria, the mother of his children.<sup>76</sup> He had to seek authorization from the state legislature to free their children, four-year old Thomas Hardy Gray, and two-year old Josephine Gray.<sup>77</sup>

In 1827, the legislature changed the law on manumission to authorize the parish police juries to decide whether to allow an emancipation. This statute made no distinction between people over or under age thirty. The enslaver would file a petition with the parish judge giving the reason

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73 1807 Acts of the Legis. Council Territory of Orleans p. 82, §3.

74 Act of Emancipation, Book B, pp. 77-78, June 8, 1819, Conveyance Records, WFP, La.

75 Act of Emancipation, Book AA, p. 403, July 2, 1824, Conveyance Records, WFP, La.

76 Act of Emancipation, Book AA, pp. 147, 149, June 13, 1825, Conveyance Records, WFP, La.

77 1826 La. Acts p. 106. See, also, 1825 La. Acts pp. 132, 42.



for the emancipation and the judge would present the petition to the parish police jury. Freedom was not easily obtained. It was only available to people who had been born in Louisiana, and it required a favorable vote from three-fourths of the members of the police jury and concurrence from the parish judge.<sup>78</sup> This law foreclosed freedom for victims of the domestic slave trade who had been brought into Louisiana for sale. Perhaps a million enslaved people had been transported from Upper South states to Deep South states in the early nineteenth century. Under the new law, they could not be emancipated in Louisiana. Louisiana's legislators did not want people unfamiliar with the state's mores and priorities to be free to introduce discord. People born in the state could be presumed to be complicit in the state's protection of slavery. The 1841 petition of John Collins to free Catherine Childress and her three children reported that they were native to Louisiana.<sup>79</sup>

Louisiana's free people of color population stood at 10,476 in 1820 and at 16,710 in 1830. In response to this growth, Louisiana's legislature enacted a series of complex statutes that sought to limit the number of free people of color in the state by making emancipations more costly. As abolitionist attacks intensified, fears of rebellion kept pace.<sup>80</sup> Legislators considered free people of color destabilizing forces. They feared free people of color would inspire their enslaved population to reject the inevitability of slavery and to seek its freedom. To protect the investments of the state's citizens in slavery, 1830 legislation required an emancipated person to leave the state within a month after their emancipation and demanded a bond of \$1,000 to ensure their departure. Exceptions were made for people who were emancipated for meritorious service, such as saving the life of a slaveholder or a family member of a slaveholder, and for people who were given

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78 1827 La. Acts p. 13 §1.

79 Act of Emancipation, Book G, p. 219, March 4, 1841, Conveyance Records, WFP, La.

80 Kimberly Welch, "Black Litigiousness and White Accountability," 372, 398, 378.

permission by their owners to travel to a state where slavery was prohibited to obtain their freedom. Enslaved people who were freed outside of Louisiana could return and remain in Louisiana as free people of color.<sup>81</sup>

When the legislature required newly freed people to leave the state, it demonstrated an animosity towards free people of color that was not shared by slaveholders in West Feliciana Parish.<sup>82</sup> These slaveholders exploited the exceptions in that statute. When they decided to release a person from slavery, they granted permission for that person to travel to another state to become free. The concept was not new. Louisiana courts had long recognized that that an enslaved person taken to a place where slavery was not allowed would immediately become free and would not be re-enslaved upon returning to Louisiana. The same principle applied in England. In 1772, James Somerset was freed by an English court after being purchased in Boston and taken to England. Courts in the colonies followed suit and the principle stood unchallenged until the Dred Scott decision in 1857.<sup>83</sup>

In *Dred Scott v. Sandford*, Scott filed a suit in federal court for his freedom and for the freedom of his wife and two children arguing that they had been taken by their enslaver into Illinois, a state that did not permit slavery, and into the Wisconsin Territories where slavery was prohibited by federal law. Had the court followed the English Somerset decision, Scott and his family would have been freed. Instead, the court denied freedom to Scott based on two much maligned reasons. First, the court determined that, because Scott was descended from Africans, he was not a citizen under the United States Constitution so could not bring suit in a federal court.

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81 1830 La. Acts p. 90 §§10, 16.

82 1830 La. Acts p. 90 §16.

83 *Dred Scott v. Sandford*, 60 U.S. 393 (1857).

Second, the court ruled that Congress had exceeded its constitutional authority when it sought to limit slavery in the northern part of the Louisiana Purchase in the 1820 Missouri Compromise and exceeded its authority when it conferred freedom and citizenship in the Northwest Territory to non-white individuals by the Missouri Compromise and the Ordinance of 1787. Scott was considered the private property of his owners and Congress could not take private property without due process. Scott did not win his freedom because he was not a citizen who could bring a suit in federal court, and because, even if he could, he would lose. In 1835, twenty-two years before *Scott v. Sandford*, the court in West Feliciana Parish affirmed the long-standing Somerset policy when Frank Irvin sued for his freedom.

Irvin had been born in Pittsburg, Pennsylvania, in 1809 and was to become free at age twenty-one. His enslaver moved with him to Kentucky but allowed Irvin to live and work in Cincinnati. While there, Irvin was kidnapped and delivered to someone named Harris. He was carried back to Kentucky where he was treated cruelly. Thomas Powell, a trader in enslaved people, then brought Irvin to West Feliciana Parish and offered him for sale. Once in the parish, Irvin sued Powell for his freedom. In his pleading, Irvin asked to be kept in jail so that Powell could not sell him before the court reached a decision on the suit. Thomas Gibbs Morgan, Judge for the Third District Court in West Feliciana Parish, determined that Irvin had been born in Pennsylvania and had been owned by a Taylor in Kentucky who had allowed Irvin to live and work in Ohio. By living in a free state with the consent of his owner, Irvin had become free. Gibbs ruled: “The plaintiff has fully established his claim to freedom.”<sup>84</sup>

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<sup>84</sup> Frank Irvin v. Thomas Powell, Civil Suit no. 1635 (La. 3rd Jud. Dist. Ct. February 6, 1837).

The 1830 law that allowed people who left the state to be freed to return as free people and remain in the state codified a practice already in place. Since the early 1800s, male slaveholders in West Feliciana Parish had been sending people to Pennsylvania and Ohio to become free. These free states were easily accessible by water either up the Mississippi River or along the Atlantic Coast. In 1816, William Weeks instructed his son and grandson to take his enslaved children to Pennsylvania at the expense of his estate and to free them there if the three children could not be freed within three years in Louisiana.<sup>85</sup> In 1817, twelve-year old Eliza Gorham was sent by her father to Philadelphia to become free.<sup>86</sup> She returned to Louisiana in 1820. In 1819, Richard Ratliff's will left all of his property, except two mulatto girls, Fanny and Sarah, to his two white sons. He asked that Fanny and Sarah be taken to Ohio and legally emancipated at the expense of his estate.<sup>87</sup> In 1827, Lidy, about forty years of age, had resided in Louisiana for about ten years but was already "residing by my consent at Cincinnati Ohio" when James Doyle set her free in consideration of her faithful services.<sup>88</sup> On April 30, 1827, William Hendrick took Fanny and her children to Cincinnati and, for one dollar paid, released them from slavery.<sup>89</sup>

After 1830, if a male slaveholder freed his children and their mother in Louisiana, the children and mother would have to leave the state within a month. If, instead, he sent them to a

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<sup>85</sup> Will of William Weeks, May 30, 1816, Box 113, Succession Records, WFP, La.; Book A, p. 167, October 2, 1817, Conveyance Records, WFP, La.

<sup>86</sup> Recordation of free status, Book B, p. 470, July 2, 1820, Conveyance Records, WFP, La.

<sup>87</sup> Will of Richard Ratliff, January 12, 1819, Box 85, Succession Records, WFP, La.

<sup>88</sup> Act of Emancipation, Book AA, pp. 281-282, April 24, 1827, Conveyance Records, WFP, La.

<sup>89</sup> Act of Emancipation, Book AA, pp. 332-335, April 30, 1827, Conveyance Records, WFP, La.

state where slavery was not allowed, like Ohio or Pennsylvania, they would become free immediately and could return to Louisiana as free people of color. In 1832, Floyd County, Indiana, was added to the list of places where male slaveholders in the parish sent enslaved people to acquire their freedom. In that year, Barthelemi Bettelany emancipated Lucy, aged thirty-four, and her children, Sarah, about fifteen, and Charles, about nine, there.<sup>90</sup> In 1837, “from motives of benevolence and humanity,” Abisha Davis emancipated Charlotte and two mulatto children, Alexander and Ferdinand about three years old, in Indiana.<sup>91</sup>

In July 1842, free woman of color Priscilla Davis sought to free her sister and her niece, Rose Ann Davis and Cassy Ann Davis.<sup>92</sup> She joined Hardy Perry and Thomas R. Purnell who sent people they held in slavery to Cincinnati, Ohio. Perry allowed Caroline, a mulattress aged about thirty-three years, “to go to the City of Cincinnati in the State of Ohio, for the purpose of residing there + enjoying the benefit of the law of the said State of Ohio, which confers freedom on all slaves who are allowed by their owners to live in said State, and to return to the State of Louisiana after effecting her emancipation, if she thinks fit.”<sup>93</sup> The “if she thinks fit” language in the declaration suggested that Perry was not sure Caroline would want to return to Louisiana.

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90 Act of Emancipation, Book E, p. 149, February 1, 1832, Conveyance Records, WFP, La.

91 Act of Emancipation, Book F, pp. 382-383, May 23, 1837, Conveyance Records, WFP, La.

92 Act of Emancipation, Book H, pp. 225-226, July 7, 1842, Conveyance Records, WFP, La.

93 Declaration of intent to emancipate, Book H, p. 231, July 18, 1842, Conveyance Records, WFP, La.

Apparently, Perry did not travel with her. Caroline did return and Perry recorded her Ohio certificate of emancipation in Louisiana six weeks later.<sup>94</sup>

In 1842, Purnell “declared his intent to permit his slaves to go to Cincinnati to get free and return to Louisiana” although he had already freed his family in 1829.<sup>95</sup> Later in 1842, Purnell recorded in the West Feliciana Parish conveyance records a Certificate of the Emancipation of Mary and her seven children that had been filed in the Negro Records of the Hamilton County Clerk of Court.<sup>96</sup> The trip to Cincinnati was unnecessary for Purnell’s family, but it provided additional documentation of the free status of his children and their mother. Purnell was aware of the continuing stream of state legislation intended to prevent free people of color from entering or remaining in the state and was justified in his concern that this legislation jeopardized the freedom of free people of color already in the state. He was anxious to protect his family.

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94 Certificate of emancipation, Book H, p. 247, September 3, 1842, Conveyance Records, WFP, La.; Negro Records, August 5, 1842, Hamilton County, Ohio, Book 5, p. 763.

95 Declaration of intent to emancipate, Book H, p. 230, July 18, 1842, Conveyance Records, WFP, La.

96 Declaration of permission to travel, Book H, p. 239, July 18, 1842, Conveyance Records, WFP, La. (“intention to authorise and permit his slaves, as follows to wit: Woman, named “Mary” aged about forty years, of a Yellowish complexion, + her seven children, all mulattos, named + aged as follows to wit: Girl “Matilda” aged nineteen years; Boy “John” aged seventeen years; Boy “Edward” aged about fourteen years; Girl “Sally” aged about nine years; Boy “Alexander” aged about six years; Girl “Ann Mariah” aged about four years; Boy “William” aged about two years; to go to the City of Cincinnati, in the State of Ohio, for the purpose of residing there + enjoying the benefit of the laws of said State of Ohio, which confer freedom on all Slaves, who are allowed by their owners to live in said State or to return to the State of Louisiana at their pleasure, or the pleasure of their Mother Mary, who is fully authorised to take all said children to said City of Cincinnati - the said Thomas R. Purnell declaring that it is fully + absolutely his intention by this act, to emancipate all his aforesaid Slaves.”); Recordation of free status, Book H, p, 240, August 5, 1842, Conveyance Records, WFP, La.; Negro Records, Hamilton County, Ohio, Book 5, pp. 764-765.

In 1831, the rules regulating emancipations were altered slightly. The new law allowed a person who was emancipated as a reward for long, faithful, or important services to remain in the state.<sup>97</sup> Saving a life or traveling to a free state were no longer necessary. This legislation, which appears to backtrack on the prior efforts to rid the state of free people of color, demonstrated the very personal nature of emancipations. When proclaiming the faithful service of the newly freed person, a slaveholder attested to the character of that person and assured all listeners that the newly freed person was not a threat to the institution of slavery. Free people of color known to share a pro-slavery viewpoint could be trusted to remain in the state.

Even before the 1831 statute allowed this category of newly freed people to remain in the state, white slaveholders often cited faithful service as the reason for an emancipation in West Feliciana Parish. In 1826, Hardy Alston emancipated Lucy “for and in consideration of [her] faithful, honest, and devoted services.”<sup>98</sup> In 1828, H.A. Carstens emancipated Rebecca and her son Isaac about seven years of age for “faithful and honest and devoted services and the general good character of this woman.”<sup>99</sup> Faithful services continued to be an oft-cited reason for an emancipation. In 1830, Mary L. Mills emancipated Priscilla “for services and good conduct for several years.”<sup>100</sup> In 1848, Jane was freed “after long and faithful services.”<sup>101</sup>

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97 1831 La. Acts p. 90 §§10, 16.

98 Act of Emancipation, Book AA, p. 249, December 6, 1826, Conveyance Records, WFP, La.

99 Act of Emancipation, Book AA, p. 405, March 18, 1828, Conveyance Records, WFP, La.

100 Act of Emancipation, Book D, p. 113, May 17, 1830, Conveyance Records, WFP, La.

101 Act of Emancipation, Book I, p. 476, June 5, 1848, Conveyance Records, WFP, La.

Despite the hurdles impeding emancipations, from 1819 until 1848, white slaveholders freed fifty-two people in the parish during their lifetime, about one-third of the total number of free people of color in the parish. Of the fifty-two people freed, probably eighteen were mulatto children and five were their mothers. Fathers who wanted their children to be free generally freed them during their lifetimes.

Occasionally, parish slaveholders ignored the legislation. In 1835, Phillip Piper emancipated nineteen-month old Ruffin, whose mother was enslaved, and placed Ruffin with Drury Mitchell as an apprentice. That same year, William Norvell emancipated three children whose mother had died and, like Piper, placed them as apprentices.<sup>102</sup> Neither sought permission for the children to remain in the state. Neither appears to have asked the Parish Police Jury for permission to free these children. They simply filed their emancipation documents, and the children became free.

Free people of color who wanted to free their family members were bound by the same laws. By 1839, William Chew, who had purchased his own freedom, purchased his wife, four of his children, and one grandchild. He wanted them to be free but also wanted to keep them near him in West Feliciana Parish. He could not claim that they had provided long and faithful services to him because he had only recently purchased them. Nor could he claim that they had saved his life. He probably didn't want to expend the money necessary for them travel to a free state to become free. Instead, he obtained special legislation in 1839 that granted them permission to stay in the state. The parish police jury allowed him to free his children a few months later.<sup>103</sup>

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<sup>102</sup> Act of Emancipation, Book E, p. 403, May 26, 1835, Conveyance Records, WFP, La.; Act of Emancipation, Book E, p. 423, June 29, 1835, Conveyance Records, WFP, La.

<sup>103</sup> 1839 La. Acts p. 78; Resolution of Parish Police Jury, Book G, p. 7, June 3, 1839, Conveyance Records, WFP, La.



In 1846, the state legislature, evidencing a greater hostility to the presence of free people of color in the state, abolished emancipation by travel to a free state. This new statute reversed Louisiana's long-standing law and its well-established legal principal: "No slave shall be entitled to his or her freedom, under the pretense that he or she has been with or without the consent of his or her owner, in a country where slavery does not exist, or in any of the States where slavery is prohibited."<sup>104</sup> Emancipation for faithful services was still available and would allow a newly freed person to remain in the state, and the state legislature could still grant permission for a newly freed person to stay. Trips to Philadelphia or to Ohio, though, would now be fruitless.

While the number of free people of color in the state reached 25,502 by 1840, the number fell to 17,462 by 1850 and increased only to 18,647 by 1860. In West Feliciana Parish, the number peaked in 1850 at 106. The legislation directed at limiting the number of free people of color in the state had had effect statewide, but had only begun to have effect in West Feliciana Parish after 1850. The parish would lose 40 percent of its free people of color in the decade 1850 to 1860. In 1852, new legislation required newly freed people to leave the state within twelve months of their emancipation on penalty of re-enslavement for non-compliance. The police jury granting the emancipation was to collect \$150 from the freeing slaveholder to apply to the cost of passage to Africa should the freed person choose to travel there.<sup>105</sup> Only the state legislature could grant permission for a recently freed person to remain in the state.. This statute severely impeded the emancipation of family members. Slaveholders had to choose between keeping a family member enslaved or sending the family member out of the state. Faithful service was no longer enough to keep newly freed people nearby.

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104 1846 La. Acts p. 163, no. 189.

105 1852 La. Acts p. 214, no. 315.

In 1855, the legislature enacted additional barriers to forestall emancipations. Under the new law, a slaveholder had to file a lawsuit against the State of Louisiana in the local district court to emancipate an enslaved person. The statute instructed the local district attorney to argue against the emancipation, and the judge rather than the police jury made the decision to grant or deny the emancipation. An emancipated person wishing to remain in the state was required to post a bond of \$1,000.<sup>106</sup> Maria Wicker had purchased her freedom and that of three of her children in 1842 and was operating a boarding house and restaurant in 1855 when she located and purchased her two older sons. No doubt she wanted to free her sons, but, after paying \$1,669 to purchase them, she may not have had the money to pursue a lawsuit to free them or to post the bond required for them to stay in the state. Instead, she gave them permission to hire themselves out and to keep their own wages.<sup>107</sup> In this way they could remain near her.

Finally, in 1857, emancipation was prohibited altogether: “From and after passage of this Act no slave shall be emancipated in the State.”<sup>108</sup> Then-Governor Robert C. Wickliffe, a resident of West Feliciana Parish, argued that the statute would protect slavery. He believed that free people of color had a pernicious effect on the population of enslaved people, and he did not want an increase in the number of free people of color in the state. To that end, in 1858, Louisiana’s legislature joined

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<sup>106</sup> 1855 La. Acts p. 377, no. 71, held unconstitutional in *State v. Harrison*, 11 La. Ann. 722 (1856). Judith Kelleher Schafer found 159 successful lawsuits to free 289 people and none that failed.) Schafer, *Becoming Free, Remaining Free*, 73.

<sup>107</sup> Permission to Pass, Book M, p. 416, December 29, 1857, Conveyance Records, WFP, La.

<sup>108</sup> 1857 La. Acts p. 5, no. 69.

other states that allowed free people of color to enslave themselves.<sup>109</sup> This option would allow freed family members to remain in the state close to other family members who could not be freed. It also would allow impoverished free people of color to find shelter in someone else's home. No one in West Feliciana Parish took advantage of this opportunity. Only thirteen free people of color in the entire state of Louisiana opted for re-enslavement.<sup>110</sup>

Slaveholders, in contrast to state legislators, wanted to selectively emancipate people they knew personally. State legislators, concerned with a perceived threat to slavery, wanted to free the state of free people of color who might influence the enslaved population to rebel. The legislation they passed limited and eventually eliminated the availability of lifetime emancipations, but it did not impact the option of self-purchase or emancipation by will. Nor could it limit an increase in population due to birth.

Under Louisiana's Civil Code, a person born to a free mother was free from birth.<sup>111</sup> In 1821, Julia Ann Cornish was free, so Mary Ann Cornish, her daughter, was born free.<sup>112</sup> Because Leah Savage was freed in 1819, her daughter, Sarah Jackson, born in 1824, was born free.<sup>113</sup> In

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109 1858 La. Acts p. 214, no. 275. ("It shall hereafter be lawful for any free person of African descent, over the age of twenty-one years, now residing in this state, to select his or her master, or owner, and to become a slave for life.")

110 Emily West, *Family or Freedom*, 14.

111 La. Civ. Code, art. 183 (1825). ("Children born of a mother then in a state of slavery, whether married or not, follow the condition of their mother; and they are consequently slaves and belong to the master of their mother.").

112 Declaration of Julia Cornish, Book F, p. 121, August 23, 1836, Conveyance Records, WFP, La.

113 Affidavit of Free Status, Book K, p. 132, November 4, 1850, Conveyance Records, WFP, La.

1827, Clara Wilkins, the daughter of Eliza Wilkins, was born free.<sup>114</sup> Ann Maria Gray was freed in June 1825.<sup>115</sup> Her subsequent children, William Hargis Gray, born in December 1825 and Virginia born in September 1828, were born free.<sup>116</sup> Ann was emancipated in 1830, so Ann's child, Andrew Jackson, born after 1830, was born free.<sup>117</sup> Leucy Hutchinson was free when she gave birth to Lewis Hutchinson on January 4, 1836.<sup>118</sup> All of George and Eliza Douse's four children born in the parish were born free.<sup>119</sup> Slightly more than ten percent of the free people of color in the parish were born of mothers who were free and became free people of color at their birth.

The population of free people of color in West Feliciana Parish included people who had moved to the parish of their own accord and people who had moved there under duress. It included people who had been freed by their own efforts and those freed by the benevolence of their enslaver. Free people of color who moved into West Feliciana Parish, people freed in the parish,

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114 Declaration of Free Status, Book K, p. 136, November 8, 1850, Conveyance Records, WFP, La.

115 Act of Emancipation, Book AA, pp. 147 and 149, June 13, 1825, Conveyance Records, WFP, La.

116 Acknowledgement of paternity, Book AA, p. 187, May 2, 1826, Conveyance Records, WFP, La.; Acknowledgement of paternity, Book C, p. 242, September 24, 1828, Conveyance Records, WFP, La.

117 Emancipation of Ann, Book D, p. 83, February 16, 1830, Conveyance Records, WFP, La.; Declaration of Free Birth, Book E, p. 278, September 12, 1834, Conveyance Records, WFP, La.; Declaration of Free Birth, Book F, p. 287, July 8, 1837, Conveyance Records, WFP, La..

118 Affidavit of paternity, Book F, p. 483, January 8, 1839, Conveyance Records, WFP, La.

119 Richard McKennon Douse, born August 12, 1834, Michael William Douse, born July 27, 1836, Mary Elizabeth Douse, born March 3, 1838, and Daniel Turnbull Douse, born in 1840. Affidavit of Freedom of George + Eliza Douse and their children by Brisbane Marshall, Book H, p. 244, September 1, 1842, Conveyance Records, WFP, La.

and people who had been born of free mothers in the parish stayed. The laws written to discourage the presence of free people of color in the state had little impact in the parish until 1850. Between 1850 and 1860, when the population of free people of color in the parish dropped from 106 to 64, the population of free white people in the parish also dropped from 2,473 to 2,036, an almost eighteen percent drop. Free people of color left the parish at a time white people also, although in much greater numbers. Before 1850, free people of color found the parish a desirable place to be, a place where they could enjoy their freedom, raise their families, and live comfortably with their neighbors.

### **Chapter 3. Land Sales, Loans, and Litigation**

West Feliciana Parish had no colored neighborhoods, no redlining, no housing discrimination, no cross-burnings, no white flight. When free people of color wanted to buy property, they chose from whatever was available. They purchased on the same terms as white people and paid the same interest rate. When they were ready to sell, white purchasers were ready to buy at market, not discounted, prices. White people and free people of color borrowed money from one another and endorsed each other's notes. They participated in the same economy, buying and selling land, people, and other property, borrowing and lending money, and suing and being sued when debts were not paid. Whether plaintiffs or defendants, their cases were decided on their merits and not according to their skin color. In West Feliciana Parish, free people of color were an integral part of the parish's economy. There was no separate free people of color community.

In both towns and in the rural areas, free people of color lived next door to white people indiscriminately. When the West Feliciana Railroad was under construction, Drury L. Mitchell sold the railroad a strip of land through his property. Consequently, free people of color owned land, quite literally, on both sides of the tracks. The physical separation characteristic of early twentieth-century life did not exist. White people and free people of color lived in West Feliciana Parish without segregation by skin color or previous condition of servitude. They lived side by side as neighbors and, sometimes, in the same households. Prewar census records document the wide dispersion of free people of color throughout the parish and their co-location and cohabitation with white people.

The Town of St. Francisville, on the bluffs overlooking the Mississippi River, was laid out in twenty-eight squares, each containing twelve lots measuring 60 feet by 120 feet. Squares numbered one through four ran along the bluff facing the river, while squares five through eight

were on the next row over, inland, bordered by Johnson and Prosperity Streets. Ferdinand Street ran through the middle of St. Francisville and was the main thoroughfare into Bayou Sara.



Figure 2. Plan of St. Francisville, Louisiana  
Source: Map Drawer, Office of the Clerk of Court, West Feliciana Parish

According to the 1820 census, five free women of color were heads of their households in the Town of St. Francisville. These five households accounted for five children and nineteen adults over age fourteen who were free people of color. Betsey Kemper, Dina and Clarinda, and Sally O'Connor headed households with only free people of color living in them: three children under age fourteen and sixteen adults aged fourteen or older. They were close neighbors to Judique Lacour who owned a house she purchased on December 12, 1816. Lacour paid \$300 in cash from monies she earned by washing and by caring for people when they were ill for lot 3 in square 9 in

St. Francisville.<sup>1</sup> She lived there with one enslaved person and seven white males aged eighteen to twenty-five years old. She probably kept a boarding house. In 1822, Lacour sold her property to white Mary Higgins for \$1,200, a sizeable increase in price, and moved to Alexandria in Rapides Parish, Louisiana.<sup>2</sup> Higgins did not expect to pay a bargain price to Lacour because the house had been owned by a person of color.

Molly Sears, the head of the fifth household in St. Francisville, lived a few blocks away. She was more than forty-five years old and lived with two children and one adult male who were free people of color, two enslaved people, and one white male aged between ten and fifteen years old.<sup>3</sup> The white child may have been an orphan who Sears had been asked to raise or may have been a very light-skinned free person of color who the census taker believed was white. Molly Sears disappears from the public records along with information about the people in her household.

The presence of enslaved people in these households may have resulted from a variety of relationships. Free people of color did buy, sell, and exploit the labor of enslaved people in the parish just as other parish residents did. Judique Lacour would have wanted help caring for her boarders and the standard source of help was enslaved laborers. However, some free people of color purchased their relatives or friends with the intent to free them. It is not clear why Molly Sears held two people in slavery in her household.

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1 Sale, John H. Johnson to Judique Lacour, Book A, p. 126, December 12, 1816, Conveyance Records, WFP, La.; Curator's account, December 12, 1816, Succession of Robert H. Hewit, Box 45, Succession Records, WFP, La.; Curator's account, February 9, 1822, Succession of James Ficklin, Box 33, Succession Records, WFP, La.

2 Sale, Judique Lacour to Mary Higgins, Book B, p. 475, October 16, 1820, Conveyance Records, WFP, La.

3 Manuscript Census, 1820, Feliciana Parish, La., ancestry.com.



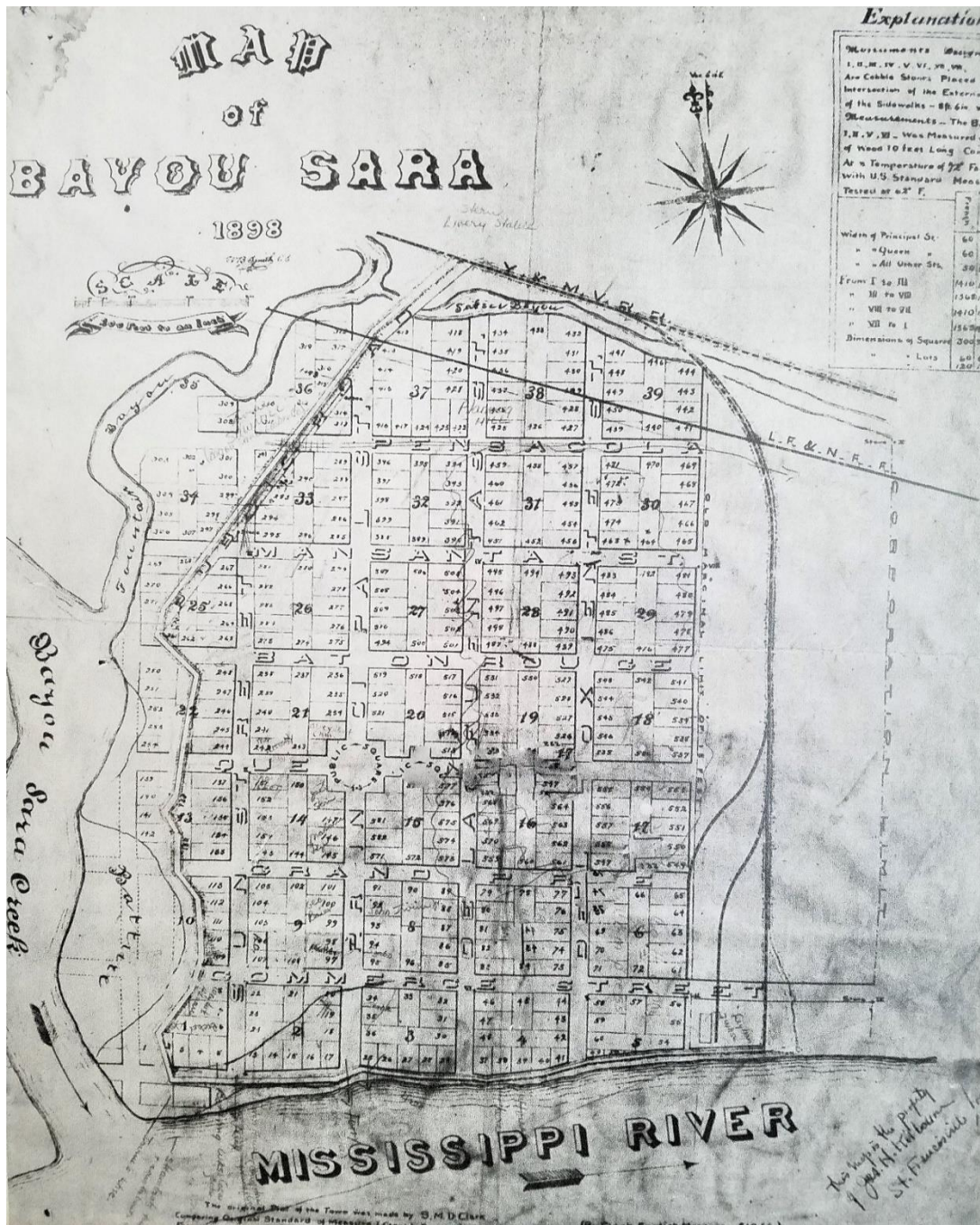


Figure 3. Plan of Bayou Sara, Louisiana  
Source: West Feliciana Parish Museum

The other town in the parish, Bayou Sara, was laid out in 39 squares with squares one through five along the Mississippi River and squares six through eleven further in-land. Most squares were divided into twelve lots, but the lots varied in size and many partial lots were bought

and sold. Ellen Wooten, who became free in 1818, lived in Bayou Sara with her two children, both under age fourteen. She operated a tavern at the mouth of Bayou Sara Creek. The two other free people of color living in Bayou Sara were not heads of households; they lived in the homes of white people.

In 1820, most of the West Feliciana Parish households headed by free people of color were in the town of St. Francisville but three heads of households owned land in the rural areas of the parish. Household heads Ned & Bob lived in the Mississippi census subdistrict. They were over forty-five years old and lived with three other free females of color and two other free males of color. Ann Maria Curtis and Leah Savage each headed their households in the Big Bayou Sarah census subdistrict.<sup>4</sup> In 1816, Curtis had purchased about thirty-six acres of land.<sup>5</sup> Later that year, David Weeks donated 195½ acres of land, and an enslaved woman named Hannah, to Curtis.<sup>6</sup> David Weeks's father, William Weeks, had freed Curtis shortly before his death and had acknowledged his paternity of her four children in his will.<sup>7</sup> In 1819, David Weeks freed Leah Savage.<sup>8</sup> Savage received the right to benefit from her own labor but received no other property. She lived with one free male of color over age forty-five and six free children of color three

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4 Manuscript Census, 1820, Feliciana Parish, La. ancestry.com.

5 Sale, James Haggerty to Ann Curtis, Book A, p. 99, March 18, 1816, Conveyance Records, WFP, La.

6 Donation, David Weeks to Ann Maria Curtis, Book A, p. 112, July 17, 1816, Conveyance Records, WFP, La.

7 Will of William Weeks, May 30, 1816, Box 113, Succession Records, WFP, La.; See, also, Book A, p. 167, October 2, 1817, Conveyance Records, WFP, La.

8 Emancipation of Leah Savage, Book B, pp. 77-78, June 8, 1819, Conveyance Records, WFP, La.

households away from Curtis. The families of Ned and Bob, Curtis, and Savage accounted for nine children and ten free people of color over age fourteen.

In 1820, a total of twenty-one children and forty-three free people of color over age fourteen were counted in the parish. Sixteen children and thirty adults lived in the nine households headed by free people of color. All these heads of households were free women of color except the household jointly headed by Ned and Bob. These households were spread throughout the parish with five in St. Francisville, one in Bayou Sara, and three in two different rural census subdivisions. The remainder of the free people of color in the parish in 1820, five children and thirteen adults, lived in households headed by white people. These households were in the towns and the rural areas of the parish and were not congregated in any one place. There was no great divide between where white people and free people of color lived.

There also was no great divide in the economic life of whites and free people of color; free people of color were integrated into the economic community of the parish. On October 16, 1820, after the census was taken, Amos Hoe purchased lot 1 in square 14 on Fidelity Street for \$1,000.<sup>9</sup> He would not be free until two months later, so, technically was still enslaved and forbidden by law to own immovable property when he paid for his lot. Nevertheless, the act of sale labeled Hoe as a free man of color. He purchased his lot, and no one challenged his right to do so. Two months later, in December 1820, Hoe purchased himself at the probate sale of his deceased owner's estate.<sup>10</sup> It is likely that Hoe had been a buyer and seller of horses during his enslavement. Once he was free, he sold horses and showed a high level of sophistication in his business transactions.

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<sup>9</sup> Sale, Hamilton Pollock to Amos Hoe, Book B, p. 281, October 16, 1820, Conveyance Records, WFP, La.

<sup>10</sup> Sale, Heirs of Bell to Hoe, Book B, p. 306, December 18, 1820, Conveyance Records, WFP, La.

In 1822, with Hoe not yet two years out of slavery, his neighbor, white Jacob Potter, asked Hoe to sign a promissory note as surety for Potter. Hoe, as surety, lent his good name and creditworthiness to Potter to induce white James Calvin to make the loan to Potter. Hoe promised to pay the debt to Calvin if Potter did not. When Potter failed to pay the note, Calvin sued Potter and Hoe. Hoe successfully urged the court to have Potter's property seized and sold to pay towards the debt. Hoe paid only the remaining balance due on the note.<sup>11</sup> A week after Hoe was sued on Potter's note, Hoe brought his own suit against white Henry Sterling. Sterling had issued a promissory note to white C. Woodroof on May 21, 1823, for \$100. The note had been "regularly transferred and endorsed" to Hoe but had not been paid. Sterling did not file an answer in the suit, so Hoe was awarded the full \$100 due on the note plus interest at 10 percent.<sup>12</sup>

Because banks were not readily available to make loans, parish residents regularly issued promissory notes to one another when making purchases or borrowing money. These notes were then passed from hand to hand in lieu of cash. Most promissory notes were a simple "I owe you" written on a scrap of paper. However, the practice was so prevalent that one merchant of luxury goods, John C. Morris, ordered a supply of preprinted notes naming him as the payee. These preprinted notes allowed customers to fill in the sale date, the due date, and the amount owed and to sign their names. The note became evidence of the indebtedness and was easier to produce in court than the account books of the store. It also could be transferred to another person as easily as cash. The local courts required that notes be paid, and the same rules applied to both white people and free people of color who were litigants. Courts, generally, ruled according to the merits

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<sup>11</sup> Judgment, James Calvin v. Jacob Potter and Amos Hoe, Civil Suit no. 67 (La. 3rd Jud. Dist. Ct. April 5, 1824).

<sup>12</sup> Amos Hoe v. Henry Stirling, Civil Suit no. 192 (Parish Court, WFP, La. April 13, 1824); Minute Record Book I 1821-1828, p. 61 (La. 3rd Jud. Dist. Ct. December 22, 1824).

of a case rather than the skin color of the litigants. Potter and Hoe were made to pay the note to Calvin, and Stirling was made to pay the note to Hoe.

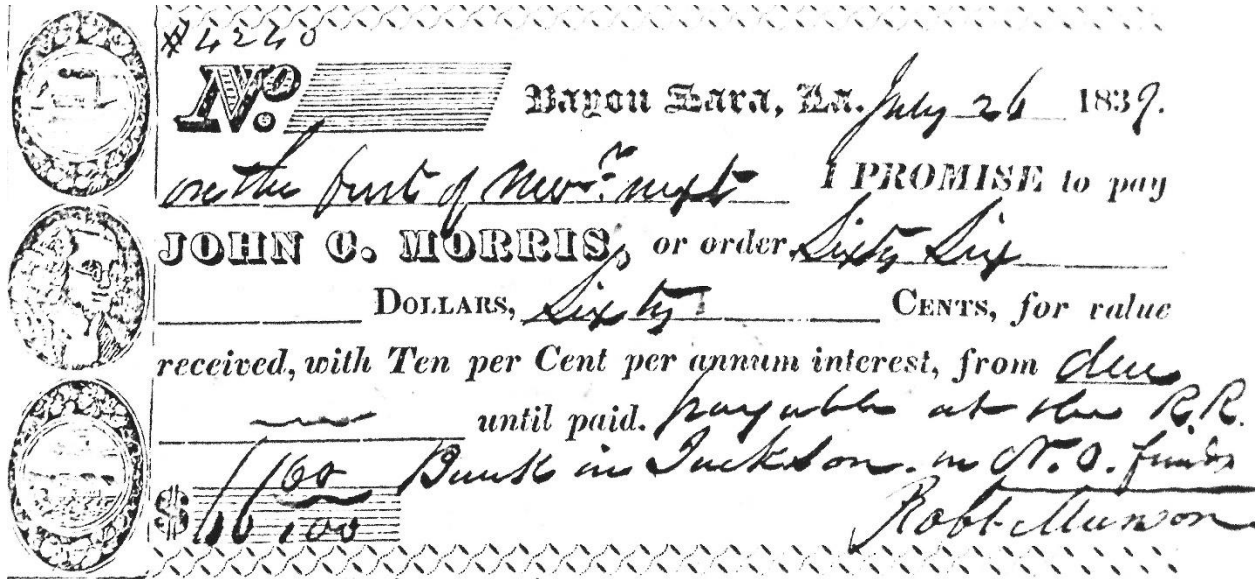


Figure 4. Pre-printed promissory note used by John C. Morris<sup>13</sup>

In 1824, Hoe successfully sued the parish sheriff. Hoe had sold two horses to white William Kennedy who had died before paying for the horses. After Kennedy's death, the sheriff seized and sold the horses to pay Kennedy's other debts. Hoe convinced a court that the horses belonged to him because Kennedy had not paid for them. The court ordered the sheriff to pay Hoe the amount the sheriff received from the sale of the horses. Hoe then sued Kennedy's heirs for the remainder of the price Kennedy had agreed to pay.<sup>14</sup> In Louisiana, free people of color could testify in court

13 Lyons (Henry A.) Papers, Box 1, folder 9, Mss. 1382, LLMVC, LSU

14 Judgment, Amos Hoe v. Heirs of Kennedy, Civil Suit no. 187 (La. 3rd Jud. Dist. Ct. January 26, 1825). (November 1824 transcript from Amos Hoe and wife v. F. A. Browder, Civil Suit no. 187 (La. 3rd Jud. Dist. Ct. November 15, 1824)).

in civil matters, and the court system in West Feliciana Parish did not favor white litigants over black litigants.<sup>15</sup> Hoe raised his claims in these courts and the judges ruled in his favor.

Hoe's transition from enslaved person to property owner to surety to successful litigant in just four years suggests that West Feliciana Parish provided an environment that was not hostile to free people of color. Newly freed Hoe was readily accepted as a member of his community and people in the parish included him in their economic activity. They bought from him and borrowed using his reputation. They sued him and were sued by him. Hoe even became a slaveholder himself. In 1825, Hoe placed an ad for a runaway, Aaron, in a local newspaper.<sup>16</sup> In 1831, when Hoe was ready to leave West Feliciana Parish, Hoe sold his lot to Sophia Slaughter, a white widow, and moved to New Orleans.<sup>17</sup> Free people of color were completely integrated into the parish economy, buying and selling land and enslaved people and loaning and borrowing money, suing and being sued in its courts.<sup>18</sup>

Not only were white people comfortable buying horses and land from free people of color, they were also comfortable buying personal items that had belonged to free people of color. When Jeremiah Shelton died in 1822, an inventory of his belongings included a paper desk and wearing

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15 *State v. Harrison*, 11 La. Ann. 722 (1856), 724; Kimberly M. Welch has argued that the southern legal system was organized around protecting property rights in enslaved people and that white southerners considered denying claims based on skin color in support of white supremacy to be less important than upholding a system that protected these property rights. Welch, *Black Litigants in the Antebellum American South*, 14.

16 "Slave Ads," *Woodville Republican and Wilkinson County Advertiser*, July 30, 1825.

17 Sale, Amos Hoe to Sophia M. Slaughter, Book D, p. 228, April 2, 1831, Conveyance Records, WFP, La.

18 Martha Jones has argued that free people of color in Baltimore used their litigation to assert their citizenship and to claim their right to remain in the state. Jones, *Birthright Citizens*, 41. Challenges to the right of free people of color to remain in West Feliciana Parish were few and far between. Their citizenship was not in dispute.

apparel. At the sale of his property, white John Ketchum purchased the paper desk, a vest, a beaver hat, and a razor. Other white people purchased pantaloons, a cloth coat, shirts, boots, and shoes.<sup>19</sup> These white purchasers showed no temerity in acquiring property that had once belonged to a free person of color. There was no stigma attached to the property. Nor was there condemnation of the white people who purchased it. The services and property of free people of color were as much in demand as anyone else's. The twentieth century disdain for people of color and for everything they touched was not a part of the parish's ethos. The value of property mattered, not the skin color of its prior owner. White people looking to acquire property were not dissuaded from purchasing it because its prior owner had been a free person of color.

After George and Jane Clark died in November 1826, the March 9, 1827, inventory of their estate listed a \$5.25 jar, twelve head of cattle, four horses, cash, sundries, a promissory note for hay, and sixty bundles of cane all valued at \$436.50.<sup>20</sup> Three contestants argued for ownership of the property. Their son, also named George Clark, was still enslaved at that time. Clark moved into his parents' house and took possession of their property although, by law, enslaved people could not inherit, even from their parents.<sup>21</sup> He presumed the property belonged to him and may

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19 Inventory and Sale, August 1, and 22, 1822, Succession of Jeremiah Shelton, Box 95, Succession Records, WFP, La. (Inventory: one paper desk valued at \$12 and one lot of wearing apparel valued at \$40 for a total of \$52 net worth. Sold to white purchasers: paper desk - \$7.25, vest - \$1.25, beaver hat - \$3.75, raser (sic) - 31¼ cents, two pantaloons - \$.50; cloth coat - \$10.50; vest - \$1.62½ cents; one lot shirts - \$3.12½; one lot clothing - \$1; one lot of boots and shoes - \$4.)

20 Inventory, March 9, 1827, Succession of George and Jane Clark, Box 24, Succession Records, WFP, La.

21 La. Civ. Code art. 176 (1825) ("They [enslaved people] can transmit nothing by succession or otherwise; but the succession of free persons related to them which they would have inherited had they been free, may pass through them to such of their descendants as may have acquired their liberty before the succession is opened."); Answer by Henry Flowers,

have been unaware of his inability to inherit. Emily Bridges, who held Clark in slavery, argued that a Louisiana law made her the rightful owner of the property. That law read in part: “All that a slave possesses, belongs to his master; he possesses nothing of his own.”<sup>22</sup> Bridges argued that whatever Clark inherited from his parents belonged to her.<sup>23</sup> Her argument conveniently overlooked the law that precluded Clark from inheriting from his parents. If Clark never inherited the property, Bridges could not claim it as his enslaver.

The third contestant, Charles McMicken, argued that George and Jane Clark had not been free at the time of their deaths. According to McMicken, Nathan Lythe held George and Jane Clark in slavery before Lythe’s death. When Lythe died, he left his house and property under their charge. McMicken asserted that Jane and George Clark were caring for the property but were not the owners of the property. According to McMicken, the property belonged to Lythe’s estate. Because McMicken had been a creditor of Lythe, McMicken claimed that he should get the property to satisfy Lythe’s debt.<sup>24</sup> McMicken spent money for his court filings trying to acquire property that he argued had been in the custody of an enslaved couple. No one was bothered by the fact that black hands had touched the property.

The court that heard the dispute accepted that George and Jane Clark had been free people of color at the time of their deaths and that the property inventoried as their estate had in fact

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February 20, 1827, Probate Suit no. 270, Succession of George and Jane Clark, Box 24, Succession Records, WFP, La.

22 La. Civ. Code art. 175 (1825).

23 Petition of Emily Bridges, February 20, 1827, Probate Suit no. 270; Succession of George and Jane Clark, Box 24, Succession Records, WFP, La.

24 Petition of Charles McMicken, March 14, 1827, Probate Suit no. 297, Succession of George and Jane Clark, Box 24, Succession Records, WFP, La.



belonged to them. McMicken did not get the property. George Clark, their only potential heir, was enslaved and could not accept ownership. Neither Clark nor Bridges got the property. Because no one was entitled to the property, the state took possession. What machinations went on behind the scenes are not reported in the records. However, on December 7, 1829, Emily Bridges set George Clark free “from the bonds of slavery forever and forever.”<sup>25</sup> She gave no reason for his emancipation. Once he was free, Clark petitioned the legislature to allow him to take ownership of his parents’ property. On March 6, 1830, the Louisiana Legislature passed special legislation that allowed Clark to inherit his parents’ property even though he had not been free at the time of their deaths and even though the laws in place otherwise did not permit him to have ownership.<sup>26</sup>

When handling the litigation, the court followed the law and rejected the arguments of all three claimants to the property. No litigant was favored over another. The legislature, however, with discretion to address individual requests, opted to enact a special statute that would allow Clark to inherit his parents’ property. The legislature had a legitimate opportunity to legally deprive Clark of his parents’ property but chose not to do so. The very next day, March 7, 1830, the same legislators who awarded the property to Clark, passed a law banning free people of color from entering Louisiana and requiring those already in the state to register with their parish judge. The legislators apparently saw no conflict between the personal act of giving Clark his parents’ property and the political act of imposing additional restrictions on free people of color.

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25 Emancipation of George Clark, Book D, p. 82, December 7, 1829, Conveyance Records, WFP, La.

26 1830 La. Acts p. 42, § 12. (“George Clark of West Feliciana Parish was a slave when his parents George and Jane Clark, free people of color, died intestate. The State renounces in favor of George Clark all the rights it may have in the estate of his parents.”)

The 1830 act banning free people of color from entering the state may have influenced the 1830 census taker in West Feliciana Parish who failed to record any free people of color as heads of households in the parish.<sup>27</sup> There were nine free people of color who were heads of households in the 1820 census and there would be sixteen in the 1840 census, but none appeared in the 1830 census. Parish conveyance records, however, documented home ownership by free people of color in 1830. Homeowners were more likely than not heads of their households. Hoe still owned his property in St. Francisville. In 1821, Jesse Wilson of Floyd, Indiana, purchased about 500 acres of land fronting on the Mississippi River.<sup>28</sup> In 1828, William Marbury bought a fraction of a lot on Ferdinand Street in St. Francisville.<sup>29</sup> Marbury was limited in his purchase by what he could afford and not by any restrictions on his opportunity to purchase something else. Ellen Wooten still lived in her house and still operated her tavern in Bayou Sara. Judique Lacour had moved, and Ann Maria Curtis had died, but the other free people of color who were heads of their households in 1820 should have appeared as such on the 1830 census. The census taker did record that eighty free people of color lived in the parish in 1830, all in the households of white people. According to his records, thirty-six households headed by white people contained one or more free person of color.

Banning free people from entering the state and requiring those already in the state to register did little to change the patterns of behavior that had been established in the parish. Free people of color did register with the parish judge, but they continued to participate in the economic

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27 Manuscript Census, 1830, West Feliciana Parish, La. ancestry.com.

28 Sale, John Eagan to Jesse Wilson, Book B, p. 396-397, August 14, 1821, Conveyance Records, WFP, La.

29 Sale, Joseph Buatt to William Marbury, Book AA, p. 418, May 19, 1828, Conveyance Records, WFP, La. (25 feet by 50 feet for \$60.)

life of the parish and to purchase noncontiguous lots in the two parish towns and acreage outside of those towns. As before, those land purchases did not create a distinct community of color. Most free people of color had white neighbors on all sides of their property. In St. Francisville, free people of color purchased lots in squares 27, 17, 9, 10, 2, and 1.<sup>30</sup> In Bayou Sara, they purchased lots in squares 10, 11, 8, 13, 9, 37, 1, 24, 27, and 4.<sup>31</sup> These lots were intermingled with properties owned by white people.

The only cluster of land ownership by free people of color in West Feliciana Parish was on Woodville Road, north of St. Francisville. George Douse, Elsey Scott, and Drury L. Mitchell

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<sup>30</sup> Sale, Joseph Semple to George McIntosh, Book D, p. 160, April 2, 1831, Conveyance Records, WFP, La. (Lot 15, square 27 for \$279.50); Sale, David Austen to Priscilla Balfour, Book E, p. 341, January 31, 1835, Conveyance Records, WFP, La. (Lot 10, square 17 for \$705); Sale, Charles McMicken to William and Ann Jones, Book F, pp. 407-408, March 8, 1838, Conveyance Records, WFP, La. (Lot 10, square 9 for \$250); Sale, Joseph R. Thomas to Peggy Russell, Book F, p. 199, December 17, 1836, Conveyance Records, WFP, La. (Lots 4 and 5, square 10 for \$300); Succession of Julia Gardner, September 6, 1843, Box 40, Succession Records, WFP, La.; Sale, Joseph R. Thomas to Elsey Scott, Book F, p. 195, January 31, 1837, Conveyance Records, WFP, La. (Lots 2, 3, and 5, square 2 for \$175); Sale, George Pease to Frank and Nancy, Book F, p. 136, October 24, 1836, Conveyance Records, WFP, La. (Lot 3, square 1 for \$450).

<sup>31</sup> Sale, Brisbane Marshall to John F. Valentine, Book E, p. 99, January 4, 1833, Conveyance Records, WFP, La. (Lot 113, square 10 for \$130); Sale, John F. Valentine to John Holmes, Book F, p. 432, February 24, 1838, (Lot 113, square 10 for \$300); Sale, Moses Horn to Billy Chew, Book D, p. 204, March 15, 1834, (Lot 6, square 11 for \$120); Sale, Andrew C. Woods to Norman Davis, Book E, p. 201-202, February 3, 1834, (Lot 94, square 8 for \$200); Sale, Jonathan Ellsworth to Kesiah Middleton, Book E, p. 247, May 12, 1834, (Lot 95, square 8 for \$300); Sale, Brisbane Marshall to Norman Davis, Book E, p. 262, June 25, 1834, (Lot 91, square 8 for \$1000); Sale, John C. Morris to Ellen Wooten, Book F, p. 144, June 27, 1836, (Lot 131, square 13 for \$1,000); Sale, John Holmes to Cynthia Ann Hendrick, Book F, p. 251, April 5, 1837, (Lot 104, square 9 for \$900); Sale, John Tillotson to Norman Davis, Book F, p. 407, June 7, 1838, (Lot 415, square 37 for \$185); Sale, Norman Davis to William L. Parker, Book H, p. 499, December 26, 1843, (Lot 415, square 37 for \$50); Sale, Heirs of John Ketchum to Nelly Wooten, Book E, p. 224, March 18, 1834, (Lot 7, square 1 for \$275); Sale, Bartholomew Bettelany to Madelene Cloud, Book F, p. 271, La., May 1, 1837, (Lot 327, square 24 for \$400); Sale, John Holmes to Cynthia Ann Hendrick, Book F, p. 377, February 27, 1838, (Lots 336 and 337, square 27 for \$900); Sale, Brisbane Marshall to Catherine Collins, Book G, p. 19, July 29, 1839, Conveyance Records, WFP, La. (Lot 39, square 4 and lot 92, square 8 for \$2,100).

bought contiguous acreage there in the 1830s. Before 1831, George Douse had purchased land on Woodville Road about three and a half miles north of St. Francisville. He purchased an adjoining two and a half acres in 1831. He added about four acres of land in 1835 and another twenty-two and a half acres in 1837.<sup>32</sup> In 1833, Elsey Scott purchased five acres of land that abutted Douse's land. The next week, Drury L. Mitchell bought seventeen acres just north of Elsey Scott and then bought another six acres so that his land also touched Douse's land.<sup>33</sup> All three had entered the parish already free. The lands of these free people of color were adjacent to one another by choice or coincidence, not because of discrimination based on skin color.

In 1840, when the West Feliciana Railroad Banking Company wanted to put railroad tracks through their property, Mitchell held onto his property. He sold the railroad the twenty-five-foot servitude it needed, a 9,518 square foot strip, for \$33.57. Elsey Scott sold her entire five acres. She had already purchased three improved lots in St. Francisville and moved to live there. In 1833, Scott had purchased the unimproved rural property for \$600. She sold the land to the railroad company with its improvements for \$2,500. The railroad company held onto the land until 1849 when it sold those five acres to Josephine Gray, the daughter of white plantation owner Josias Gray, for \$700. In the sale to Gray, the railroad company reserved for itself a twenty-five-foot servitude.<sup>34</sup> The railroad company did not discriminate against free people of color.

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32 Sale, Doctor Henry Bains to George Douse, Book D, p. 233, May 25, 1831, Conveyance Records, WFP, La.; Sale, Charles McMicken to George Douse, Book E, p. 348, February 18, 1835, Conveyance Records, WFP, La.; Sale, Charles McMicken to George Douse, Book F, p. 208, February 18, 1837, Conveyance Records, WFP, La.

33 Sale, Charles McMicken to Elsey Scott, Book E, p. 77, April 5, 1833, Conveyance Records, WFP, La.; Sale, Charles McMicken to Drury L. Mitchell, Book E, p. 78, April 11, 1833, Conveyance Records, WFP, La.; Sale, Charles McMicken to Drury L. Mitchell, Book F, p. 364, March 6, 1838, Conveyance Records, WFP, La.

34 Sale, Drury L. Mitchell to West Feliciana Railroad Banking Company, Book G, p. 153, July 28, 1840, Conveyance Records, WFP, La.; Sale, Elsey Scott to West Feliciana Railroad

Other free people of color bought acreage in other rural areas of the parish. In 1836, Kesiah Middleton and white Jonathan Ellsworth together purchased about eight acres on Cat Island near Bayou Sara. In 1837, Betsey Givins bought four acres of land and its improvements on Woodville Road closer to St. Francisville than the Douse, Scott, and Mitchell properties. In January 1839, Norman Davis purchased a little less than eleven acres along the Mississippi River, far away from Woodville Road.<sup>35</sup> Free people of color bought whatever available land they desired and could afford on terms similar to those offered to white purchasers. Usually a purchase required a down payment of one-third or one-fourth of the purchase price. The remainder of the cost would be paid in annual installments over the next two or three years.

In the 1840 census, 91 free people of color were counted. Sixteen appeared as heads of their households.<sup>36</sup> Only Ellen Wooten appeared in both the 1820 and 1840 censuses as the head of her household. Some of the other 1820 heads of households had died and others had left the parish. In 1840, forty-one free people of color continued to live in the town of St. Francisville, and nine of them headed their households. However, only William Chew purchased lots in the town

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Banking Company, Book G, p. 117, January 21, 1840, Conveyance Records, WFP, La.; Sale, Joseph R. Thomas to Elsey Scott, Book F, p. 195, January 31, 1837, Conveyance Records, WFP, La. (Lots 2, 3, and 5, square 2 for \$175); Sale, West Feliciana Railroad Banking Company to Josephine Gray, Book I, p. 589, May 12, 1849, Conveyance Records, WFP, La.

<sup>35</sup> Sale, Jean Pierre Ledoux to Jonathan Ellsworth and Kesiah Middleton, Book F, p. 176, November 7, 1836, Conveyance Records, WFP, La. (8 acres for \$2,000) (Middleton used her lot in Bayou Sara as collateral for the loan.); Sale, Victor Dominique Vasse to Betsey Givins, Book F, pp. 293-294, July 13, 1837, Conveyance Records, WFP, La.; Sale, Charles McMicken and James Turner to Norman Davis, Book F, pp. 494-495, January 11, 1839, Conveyance Records, WFP, La. (13 arpents from Trudeau tract along the Mississippi River to Fountain Bayou for \$2,600).

<sup>36</sup> Manuscript Census, 1840, West Feliciana Parish, La. ancestry.com. [Ellen Wooten, Julia Cornish, Eliza Paul, Priscilla Davis, Frank Alexander, William Chew, Fanny Hendrick, Norman Davis, Clara Nox, William Marbury, Stephen, Elsey Scott, Caesar, Charity Britton, George Douse, and Drury Mitchell].

until after the Civil War.<sup>37</sup> From 1831 to 1843, Chew purchased a total of eleven lots in St. Francisville. He had located and purchased most of his family members by 1839 and purchased lots in St. Francisville to provide homes for them. In Bayou Sara, four free people of color were heads of their households and free people of color continued to buy lots in squares 8, 25, 27, 4, and 1<sup>38</sup> after 1840. The economic downturn of 1837 which led to many bankruptcies in the parish may have accounted for the low number of land purchases. Or it may be that free people of color in the parish already owned their homes and had no need to buy more.

Three free people of color were heads of households in the rural areas of the parish in 1840, and four free people of color purchased land there after 1840. In 1846, Ann Maria Gray bought Drury L. Mitchell's seventeen acres on Woodville Road. In 1849, Josephine Gray, her daughter, purchased the five acres Elsey Scott had sold to the West Feliciana Railroad Banking Company, adjacent to her mother's property. In 1842, Ellen Wooten purchased a 220-acre tract where she raised cotton and corn and kept cattle. In that transaction, Wooten used a promissory note issued by one white man and made payable to another. The second man endorsed the note to Wooten, and she passed it along in partial payment for her property. She gave her own promissory note for

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37 Sale, Moses Esquire to William Chew, Book G, p. 212, April 13, 1841, Conveyance Records, WFP, La. (Lots 5, 7-11, square 11 for \$425); Sale, Benjamin Lavergne to William Chew, Book H, p. 313, February 4, 1843, Conveyance Records, WFP, La. (Lot 1, square 14 for \$300).

38 Sale, Martin C. Pannell to Norman Davis, Book G, p. 106, March 26, 1840, (Lot 87, square 8 for \$100); Sale, James Washington Dudley to Juliet Cornish, Book G, p. 167, January 2, 1841, (Lot 262, square 25 for \$300); Sale, Zachariah Canfield to Catherine Collins, Book H, p. 84, November 8, 1841, (Lot 90, square 8 for \$150); Sale, Zachariah Canfield to Catherine Collins, Book H, p. 171, March 11, 1842, (Lot 89, square 8 for \$200); Sale, James M. Baker to Ellen Wooten, Book G, p. 199, March 29, 1841, (Lots 331, 333, 335, square 27 for \$3,000); Sale, James W. Dudley to Mary Ann Cornish, Book H, p. 186, April 23, 1842, (Lot 269, square 25 for \$75); Sale, Pleasant H. Harbor to Catherine Collins, Book I, p. 490, July 29, 1848, (Lot 91, square 4 for \$529.88); Sale, George Harrison to Ellen Wooten, Book K, p. 154, December 5, 1850, Conveyance Records, WFP, La. (Lot 2, square 1 for \$1,400).

the balance due.<sup>39</sup> Like Amos Hoe and other free people of color, Wooten was a part of the economic credit community in the parish.

Henry Oconnor also made use of promissory notes. On May 12, 1849, Henry Oconnor, who in 1835 had been a seventeen-year old carpenter apprentice to Drury Mitchell, recorded three transactions in the West Feliciana Parish conveyance records.<sup>40</sup> In the first transaction, he purchased approximately six acres from the West Feliciana Railroad Banking Company for \$500. In the second, he sold the land, two horses, and two cows to white Angus McRay for \$1,500 payable in three annual installments due May 12, 1850, 1851, and 1852. It was unusual that Oconnor accepted promissory notes and did not require a down payment for this property sale. The sale may have been a ruse to provide Oconnor with promissory notes he could use to purchase supplies and equipment for his farm. In the third transaction, Oconnor leased the same land from McRay for five years at a cost of \$100 per year.<sup>41</sup>

In 1820, Oconnor lived with his mother, a free woman of color and head of her household.<sup>42</sup> On May 12, 1837, he was married by the rector of Grace Episcopal Church to Ann Griggs who was still held in slavery. Ten years would pass before Oconnor would purchase his wife and five

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39 Sale, Drury L. Mitchell to Ann Maria Gray, Book I, p. 218, February 27, 1846, Conveyance Records, WFP, La.; Sale, West Feliciana Railroad Banking Company to Josephine Gray, Book I, p. 589, May 12, 1849, Conveyance Records, WFP, La.; Sale, John C. Morris to Ellen Wooten, Book H, p. 191, March 9, 1842, Conveyance Records, WFP, La..

40 Apprenticeship, Book E, p. 361, March 14, 1835, Conveyance Records, WFP, La.

41 Sale, West Feliciana Railroad Banking Company to Henry Oconnor, Book I, pp. 585-586; Sale, Henry Oconnor to Angus McRay, Book I, p. 580; Lease agreement between Angus McRay, Lessor, and Henry Oconnor, Lessee, Book I, p. 581, May 12, 1849, Conveyance Records, WFP, La.

42 Oconnor's mother, Sally Oconnor, head of her household in 1820, lived with two males and two other females who were free people of color. Manuscript Census, 1820, Feliciana Parish, La. ancestry.com.

children on June 3, 1847.<sup>43</sup> Although Oconnor had been free, he met and chose as his mate a woman who was still enslaved. One more child was born before 1850 when Oconnor received permission from the parish police jury to free Ann and their six children.<sup>44</sup> Oconnor did not intend to divest himself of the six acres of land when he recorded the sale to McRay. He planned to raise his family on the land. At some point McRay re-conveyed ownership of the land to Oconnor because, in 1853, Oconnor sold the land to white Isaac N. Maynard and his wife, Mary E. Baines, for \$400.<sup>45</sup>

Oconnor's 1853 sale was one of many in the 1850s. Free people of color were more likely to sell than to buy during that decade. Between 1850 and 1860, the free people of color population fell by almost forty percent, from 106 to 64; the free white population also fell from 2473 to 2036, a more than seventeen percent drop. Even the number of enslaved people fell from 10,666 to 9,571. Many of the people who had lived in the parish left during that decade. In 1851, Ann Savage purchased six acres just outside of St. Francisville, but she sold it in 1856 to Maria Wicker. Wicker sold the land six months later to white De La Fayette Stocking.<sup>46</sup> Also in 1856, Stanley Dickerson

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43 Sale, William Harriet Mathews to Henry Oconnor, Book I, p. 373, June 3, 1847, Conveyance Records, WFP, La. (Ann, 32, yellow; and children of Ann: John 9, yellow; Henry 7, yellow; Sarah 4, yellow; Mitchel 3, yellow; Emily 7 mos. for \$1,000). Henry Oconnor and Ann Griggs were married by Grace Episcopal Church Rector Rev. R. H. Ranney on May 12, 1837. Marriage Record Book, Grace Episcopal Church, 274. Oconnor was sexton at Grace Episcopal Church in 1849.

44 Act of Emancipation Book K, p. 137, November 6, 1850, Conveyance Records, WFP, La.

45 Sale, Henry Oconnor to Isaac N. Maynard and Mary E. Baines, Book K, p. 374, January 20, 1852, Conveyance Records, WFP, La.

46 Sale, Henderson C. Hudson to Ann Savage, Book K, p. 301, September 23, 1851, Conveyance Records, WFP, La.; Sale, Anna E. Savage to Maria Wicker, Book M, p. 173, July 2, 1856, Conveyance Records, WFP, La.; Sale, Maria Wicker to De La Fayette Stocking, Book M, p. 239, January 13, 1857, Conveyance Records, WFP, La.



bought a lot north of St. Francisville, but he sold it at the same price six months later.<sup>47</sup> Gertrude and Antonio Nolasco, the children of Ellen Wooten, sold Wooten's property to white purchasers,<sup>48</sup> and William Chew's family sold most of the property he had bought to white purchasers or to the Grace Episcopal Church where they worshipped and where their father had been a sexton.<sup>49</sup> In 1858, Betsey Morris bought a corner lot in Bayou Sara making her the only free person of color to purchase land there in the 1850s.<sup>50</sup> In 1860, Ann Maria Gray sold the seventeen acres next to her daughter and purchased ten acres closer to town.<sup>51</sup> She continued to own those ten acres until she died. She and her children stayed in the parish after 1850 while other free people of color left.

Before 1850, free people of color lived as members of the community throughout West Feliciana Parish and participated in its economic ebb and flow. They bought and sold property on

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47 Sale, Simon J. Robison to Stanley Dickerson, Book M, p. 231, December 23, 1856, Conveyance Records, WFP, La.; Sale, Stanley Dickerson to Jean Jeantier, Book M, p. 344, June 3, 1857, Conveyance Records, WFP, La.

48 Sale, Antonio Nolasco and Gertrude Nolasco to William B. Rucker, Book L, p. 504, March 6, 1855, Conveyance Records, WFP, La.; Gertrude Nolasco to Jesse Barkdall, Book M, p. 280, March 13, 1857, Conveyance Records, WFP, La.; Sale, Gertrude and Antonio Nolasco to Conrad Bockel, Book M, p. 485, March 17, 1858, Conveyance Records, WFP, La. (Lot 8, square 1, for \$900).

49 Amicable Partition between George Chew, Wilson Chew, Mary Chew, and Harriet Williams, Book M, p. 336, May 18, 1857, Conveyance Records, WFP, La.; Sale/ Exchange, Wilson Chew and George Chew to Rector, Wardens, and Vestrymen of Grace Church, Book M, pp. 109-110, March 14, 1856, Conveyance Records, WFP, La. (Wilson Chew sold lots 4 and 5 in square 6 for \$100.); Sale, William Chew and Mary Chew to Jane Muse, Book M, p. 339, May 18, 1857, Conveyance Records, WFP, La. (Lot 5, square 11 and lots 6, 7, 8,  $\frac{3}{4}$  of 9,  $\frac{1}{2}$  lot 10, and lot 11, square 11 for \$600); Sale, Harriet Chew Williams to Margaret Ann Jordan, Book N, p. 6, February 17, 1859, Conveyance Records, WFP, La. (Lot 1, square 14 for \$300).

50 Sale, Savannah Shields to Betsey Morris, Book M, p. 473, March 4, 1858, Conveyance Records, WFP, La.

51 Sale, Mary Ann Gray to Charles L. Mathews, Book N, p. 257, February 16, 1869, Conveyance Records, WFP, La.); Sale, Margaret S. Hills to Mary Ann Gray, Book N, p. 258, February 16, 1869, Conveyance Records, WFP, La.).

the same terms white people were offered. When they sold their property, white people purchased at market prices and not at reduced prices. Free people of color borrowed money and accepted promissory notes along with other residents of the community. They litigated their disputes and received fair treatment by the courts. Free people of color were not a despised people but a part of their community. The discrimination imposed by the state legislature had little impact on their day to day interactions.

## Chapter 4. Earning a Living

The state of Louisiana did have a population of wealthy free people of color, but the free people of color in West Feliciana Parish were not among them.<sup>1</sup> The full range of economic opportunities available in a large urban setting was not present in this rural parish, but opportunities did exist and free people of color availed themselves of them. As was typical in many other areas, most of the free people of color in West Feliciana Parish practiced skilled trades or engaged in service-related occupations. Carpenters and washerwomen predominated in the 1860 census, but the registration statements required by the 1830 act indicated that free people of color pursued other occupations as well. Some free people of color were well-to-do farmers; others owned businesses. Most of the business owners and many of the farmers held people in slavery.

Skilled laborers in the parish often received their training through apprenticeships. Apprenticeship placements allowed children to learn a trade or profession to enable them to support themselves as adults. For free orphans of color, apprenticeship also provided for their care during their minority. In addition to learning a trade or occupation, both orphans and children with living parents were given food, drink, lodging, and wearing apparel. Apprenticeship placements for young free people of color indicated the limited occupational expectations in place for them in the parish compared with the opportunities open to white children in the parish. Additionally, black apprentices were not promised the same opportunities for an education that were promised to white children. Nevertheless, apprenticeship did offer a path into the skilled or service trades and an

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<sup>1</sup> Many authors have written about free people of color as wealthy business owners and owners of plantations in and near New Orleans. For a study of plantation-owning free people of color in southwestern Louisiana, see Brasseaux, Fontenot, and Oubre, *Creoles of Color in the Bayou Country*.

opportunity to be something other than a field laborer. They also offered a home for a child in need of one.

In October 1826, white plantation owner John Stirling told a judge that there was a free girl of color at his house named Ann Eliza aged nine years and six months, the daughter of Ann Maria Curtis, a deceased free woman of color. He reported that Ann Eliza was an orphan without a tutor or guardian or means of support. Stirling was willing to take Ann Eliza as an apprentice until she turned twenty-one on April 25, 1837. He promised to provide her with comfortable clothing, board, washing, lodging, and all necessary medical aid and attendance and to cause her to be instructed as a seamstress, servant, and housekeeper.<sup>2</sup> The judge allowed the placement, but the 1830 census reported no females in her age group in his Stirling's household, free or enslaved.

In 1827, white Aseriais C. Dunn offered to take Valcourt Vessin as an apprentice until he reached age twenty-one on July 1, 1838. Dunn bound himself for Vessin's "care and to teach him to read, write, and cypher and to instruct him in the art of his profession or occupation, generally Tavern Keeper but more particularly that of a House Servant and cook."<sup>3</sup> That same year, white Benjamin Collins committed to teach John Henry Vaughn to read, write, cypher and the duties of house servant or waiter."<sup>4</sup> In 1828, white William Huntstack agreed to take Isaac and Ferdinand,

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2 Declaration of John Stirling, Book AA, pp. 260-261, October 25, 1826, Conveyance Records, WFP, La.

3 Declaration of Aseriais C. Dunn, Book AA, p. 268, January 19, 1827, Conveyance Records, WFP, La.

4 Apprentice of Vaughn, Book AA, p. 269, February 7, 1827, Conveyance Records, WFP, La. (until January 1, 1844).

two brothers whose mother had just died, to be instructed in the duties of servants or waiters.<sup>5</sup> White Eugene Remondet was anxious to have two orphaned mulatto children bound to him: Charles who was eight and Margaret aged five, “to be taught to be servants as far as they are capable.”<sup>6</sup> He promised to protect them from oppression and ill-use but did not promise to teach them to read. Free orphans of color could expect training to become a seamstress, servant, housekeeper, tavern keeper, house servant, cook, or waiter. Most apprentices were promised to be taught to read, write, and cypher, but not all.

In 1835, white William Norrell held slightly higher expectations for three mulatto children of a deceased enslaved woman, perhaps because he “entertained feelings of affection” for the children. Shortly after their mother’s death, Norrell placed the children as apprentices. Norrell directed that they be set free when they reached adulthood, the girl, Milly, at age eighteen and the boys, Robert and Ben, at age twenty-one. Norrell bound Milly to be taught everything appertaining to housewifery and bound Robert and Ben to be taught “a useful mechanical business or art and to work in a trade or profession from age 16 to age 21.”<sup>7</sup>

The terms of white apprenticeships were quite different. In 1829, fourteen-year-old Lotan Gordon Watson asked to be an apprentice to John Lennox to learn to be a blacksmith. Lennox

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5 Apprenticeship of Isaac and Ferdinand, Book C, pp. 20-21, September 17, 1828, Conveyance Records, WFP, La. (for Isaac, until December 31, 1844; for Ferdinand, until May 15, 1849).

6 Apprentice of Charles and Margaret, Book D, p. 407, January 28, 1832, Conveyance Records, WFP, La.

7 Apprenticeship of Mary and Robert Norrell, Book E, p. 423, June 29, 1835, Conveyance Records, WFP, La. (to Peter Lebret); Apprenticeship of Ben Norrell, Book E, p. 424, June 29, 1835, Conveyance Records, WFP, La. (to Joseph Carmena).

promised Watson “a good English Education.”<sup>8</sup> In 1834, when Benjamin Lavergne became an apprentice to Dr. Henry Bains, Bains promised him “a good English education sufficient for the ordinary affairs of life.”<sup>9</sup> Jacob Collins, age eleven years, with the consent of his mother, bound himself until age twenty-one as an apprentice to Joseph Buatt to learn the trade of saddler. Nancy Roberts bound her son Jefferson Roberts to John Heart Hand for instruction in the trade of carpenter. At age twenty-one, Robert was to get two suits of clothes, one for winter and one for summer, and fifty dollars with which to buy tools. John C. Morris of New Valencia accepted James Mitchell, Jr. of New Orleans for a term of four years to learn to be a merchant or clerk in his store. John McMin, with his mother’s approval, indentured himself to Thomas Nesmith “to learn the art, trade and mystery of letter press printing.”<sup>10</sup>

White apprentices could expect a good English education and training to become a blacksmith, a doctor, a saddler, a carpenter, a merchant, or a printer. They might expect two suits of clothes, one for winter and one for summer, and fifty dollars at the end of their apprenticeship. They could expect training for a more prestigious and, likely, a more lucrative craft and could expect a much better education. This difference in opportunity may have reflected an inherent bias against people of color that, while not affecting day-to-day transactions and interactions, reflected the expectations for the proper social position of people of color in the parish. White people were

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8 Apprenticeship of Lotan Gordon Watson, Book C, pp. 31-32, January 15, 1829, Conveyance Records, WFP, La.

9 Apprenticeship of Benjamin Lavergne, Book D, p. 200, March 13, 1834, Conveyance Records, WFP, La.

10 Apprenticeship of Jacob Collins, Book AA, p. 319, August 1, 1827, Conveyance Records, WFP, La.; Apprenticeship of Jefferson Roberts, Book D, p. 356, August 10, 1833, Conveyance Records, WFP, La.; Apprenticeship of James Mitchell, Jr., Book F, p. 321, June 25, 1836, Conveyance Records, WFP, La.; Apprenticeship of John McMin, Book F, p. 320, August 20, 1836, Conveyance Records, WFP, La.;

comfortable with people of color being free, so long as they occupied positions not too dissimilar from those held by people who were enslaved.

In West Feliciana Parish, the only skilled trade available to free children of color, whether orphans or not, was carpentry. In 1829, Fanny, a free woman of color, apprenticed her son Samuel to white James A. Coulter to learn the trade of carpentry. Coulter obligated himself “to use the said Samuel kindly at all times.”<sup>11</sup> In 1835, Drury L. Mitchell agreed to the apprenticeship of Henry Oconnor and John Ghervis. In 1838, he accepted Hardesty Ghervis. All were to learn carpentry and gin wright. In his 1841 will, white Moses Horn directed that his “colored Boy,” probably his biological son, should remain with Drury Mitchell until March 1845 and then would be free. White Phillip Piper had “feelings of affection” for a nine-month-old mulatto boy he emancipated whose mother was Nelly, a woman he held in slavery. He bound the boy, Ruffin, to Drury L. Mitchell to learn carpentry. Mitchell had an excellent reputation for training apprentices in carpentry. In 1838, the parish judge who approved the apprenticeship of twelve-year old Hardesty Chervis, characterized Mitchell “as a fit and proper person to be the master of said boy.”<sup>12</sup>

Apprenticeship allowed a child to learn a trade or profession, but it also offered a safe place for a child to receive care when a parent was unable to provide that care. In 1841, Aggy Waltz, bound herself for five years and bound her two daughters until age fifteen and her four sons until age eighteen to white Simeon T. Newman, who promised to maintain and support them. In 1860,

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11 Apprenticeship of Samuel, Book C, p. 124, April 18, 1829, Conveyance Records, WFP, La.

12 Apprenticeship of Henry Oconnor, Book E, p. 361, March 14, 1835, Conveyance Records, WFP, La.; Apprenticeship of John Ghervis, Book E, p. 361, March 14, 1835, Conveyance Records, WFP, La.; Will of Moses Horn, July 1, 1841, Box 43, Succession Records, WFP, La.; Act of Emancipation, Book E, p. 403, May 26, 1835, Conveyance Records, WFP, La.; Apprenticeship of Hardesty Ghervis, Book F, p. 379, January 28, 1838, Conveyance Records, WFP, La.

Milly Norrell apprenticed her children, Roy William, fourteen, John, nine, Elizabeth, five, and Fanny, four, to white Francis M. Roberson. Roberson promised to supply food, meat, drink, and clothing, and to pay physician bills and otherwise support the children.<sup>13</sup> These apprenticeships probably reflected the inability of these parents to provide for their children as they did not specify the training the children were to receive. Poverty might have forced these parents to choose apprenticeship for their children over hunger.

In 1827, when white Thomas Purnell returned temporarily to Maryland, he used the framework of apprenticeship to provide for his children and their mother while he was away. White Mary Doherty accepted his children as apprentices until their majority and accepted their mother as an apprentice until Purnell's youngest daughter became eighteen years old.<sup>14</sup> In fact, Purnell's children and their mother were still enslaved and not eligible to become apprentices. Purnell wanted them to be protected and provided for while he was out of the state and used the ruse of apprenticeship for that purpose.

Apprenticeship placements provided skilled workers for communities. A wide variety of skills were valued in the West Feliciana Parish economy and many of the free people of color may have learned their skills as apprentices. Others may have been trained while still enslaved. Ann Maria Bouton and Ann Eliza Wilkins, both of whom came to Louisiana in 1818, were seamstresses. Bouton had been born in Baltimore, Maryland, in 1799.<sup>15</sup> Wilkins had been born in

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13 Apprenticeship of Aggy Waltz and her children, Malinda 13, Frances (girl) 11, Samuel 7, Richard 6, Charles 4, and David 1, Book H, p. 74, October 9, 1841, Conveyance Records, WFP, La.; Apprenticeship of Norrell children, Book N, p. 241, February 9, 1860, Conveyance Records, WFP, La.

14 Agreement between Thomas Purnell and Mary Doherty, Book A, pp. 294-295, Book D, p. 64, February 10, 1827, Conveyance Records, WFP, La.

15 Declaration of Free Status, Book D, p. 267, March 16, 1830, Conveyance Records, WFP, La.



1813 in Edgecombe County, North Carolina.<sup>16</sup> P. Carbour, who was twenty years old in 1860, was a Virginia-born seamstress.<sup>17</sup> Albert Prince, George Murry, and Norman Davis were barbers. Prince declared he had been in Louisiana since 1818 and was: “well known in the Parish as a well-behaved and reputable man, a Barber by training.”<sup>18</sup> Murry, born in Fauquier County, Virginia, had been in Louisiana since 1817 or 1818. He purchased himself in 1822 and was thirty-seven years old in January 1831 when he registered with the parish judge as free people of color were required to do.<sup>19</sup> Davis was twenty-nine years old on the date of his enrollment and had been born in King William County, Virginia, in 1802.<sup>20</sup> None of these skilled tradespersons claimed to have been born free. It is likely that they came to Louisiana as a part of the domestic slave trade that sold nearly a million enslaved people out of Virginia, Maryland, and North Carolina for work on southern plantations. They probably became free after arriving in Louisiana.

Thomas Phelps was born free and lived in Annapolis, Maryland, before coming to Louisiana. He declared himself to be a shoemaker, five feet, six inches tall, thirty-five to forty years old, when he registered.<sup>21</sup> John Clay declared himself to be a brick molder by trade when he registered. He had been born in Feliciana Parish before it was divided into East and West Feliciana,

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16 Declaration of Free Status, Book D, p. 308, March 16, 1830, Conveyance Records, WFP, La.

17 Manuscript Census, 1860, WFP, La. ancestry.com.

18 Declaration of Free Status, Book C, p. 334, June 15, 1830, Conveyance Records, WFP, La.

19 Declaration of Free Status, Book D, p. 337, January 31, 1831, Conveyance Records, WFP, La.

20 Declaration of Free Status, Book D, p. 229, June 13, 1831, Conveyance Records, WFP, La.

21 Declaration of Free Status, Book H, p. 566, May 24, 1844, Conveyance Records, WFP, La.

was eighteen or nineteen years old, and could read and write.<sup>22</sup> William Chew, who purchased himself and his family members, was a drayman, as were his two sons, Wilson and George.<sup>23</sup> Chew also served as sexton at Grace Episcopal Church in St. Francisville and was responsible for the care of the buildings and grounds of the church. C. Johnson and B. Muse were also draymen.<sup>24</sup> Drury L. Mitchell was a carpenter who had enough work to make use of apprentices, as noted above.<sup>25</sup> The 1850 census of West Feliciana Parish listed seven free men of color who were carpenters.<sup>26</sup> In 1850, carpenter John Purnell charged \$55 for making a coffin for white Hardy Perry. Perry's estate paid Purnell for the coffin and paid him another \$25 that Perry owed Purnell for work Purnell had completed before Perry's death.<sup>27</sup> The 1860 census listed three other carpenters: W. Leslie, William Hendrick, and William H. Gray, and two carpenter apprentices who lived with Mitchell.

Although some free people of color in the parish were skilled laborers, many more were unskilled laborers. Some free women of color supported themselves with domestic duties. Betsey Kemper, Julia Kemper, Betsey Jackson, and Judique Lacour took in washing and cared for people who were ill. Lacour earned enough money from her work to purchase a home in St. Francisville

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22 Declaration of Free Status, Book D, p. 227, March 16, 1830, Conveyance Records, WFP, La.

23 Manuscript Census, 1850, WFP, La. ancestry.com.

24 Manuscript Census, 1860, WFP, La. ancestry.com.

25 Declaration of Free Status, Book C, pp. 333-334, June 15, 1830, Conveyance Records, WFP, La.

26 Manuscript Census, 1850, WFP, La. ancestry.com. (Henry O'Connor, Andrew Jackson, John Shavers, Lewis Horn, John Walker, and John, Edward, and Alexander Purnell)

27 Succession of Hardy Perry, December 10, 1850, Box 80, Successions Records, WFP, La.

in 1816.<sup>28</sup>At his death, white Dr. Robert H. Hewit owed Lacour and Jackson \$20 for nursing and attending to him in the fall of 1815 during his last illness. They were paid on December 12, 1816. On November 28, 1817, the estate of white attorney Walter McClellan paid Betsey Kemper \$16 for washing clothes for three months, June 8 to Sept 8, 1817. On April 15, 1818, the estate of white James H. Ficklin, a local merchant, paid Julia Kemper \$62.75, for washing blankets. On August 28, 1818, Betsey Kemper, submitted a bill for \$28 for various services provided to Ficklin during his last illness in October and November 1817. In 1840, Mary Maurice attended to the dead corpse of Kesiah Middleton and aided in cleaning her house. She was paid \$50 from Middleton's estate.<sup>29</sup> The 1860 census listed seven free women of color as washerwomen and one as a servant. It listed four other occupations for free women of color: dairy woman, midwife, cook, and gardener.<sup>30</sup>

Free men of color found work as handymen or field hands. Thomas Banks planted a garden and did some carpentry work for white Betsy Archer. Not having ready cash available, Archer gave Banks a note to take to white George Mathews of St. Francisville: "Sir, You will please pay Thomas Banks \$8 + you will oblige yours – Betsy Ann."<sup>31</sup> Archer could expect Mathews to loan

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28 Curator's account, November 28, 1817, Succession of Walter McClellan, Box 71, Successions Records, WFP, La.; Curator's account, April 15, 1818 and August 28, 1818, Succession of James Ficklin, Box 33, Successions Records, WFP, La.; Sale, John H. Johnson to Judique Lacour, Book A, p. 126, December 12, 1816, Conveyance Records, WFP, La.

29 Curator's account, December 12, 1816, Succession of Robert H. Hewit, Box 45, Successions Records, WFP, La. While it is possible that Judique Lacour and Betsey Jackson were not the same people as Betsey Kemper and Julia Kemper Lacour, it is more probable that they are one and the same given the naming and spelling casualness of the period; Curator's account, November 28, 1817, Succession of Walter McClellan, Box 71, Successions Records, WFP, La.; Curator's account, April 15, 1818 and August 28, 1818, Succession of James Ficklin, Box 33, Successions Records, WFP, La.; Succession of Kesiah Middleton, August 19, 1840, Box 68, Successions Records, WFP, La.

30 Manuscript Census, 1860, WFP, La. ancestry.com. (washerwomen: Fanny Hendricks, M. Coleman, B. Johnson, I. Johnson, M. Morris, Priscilla, and C. Brown. M. Coleman owned \$1,000 in real estate and \$600 in movables.)

31 Mathews – Ventress – Lawrason Papers, Mss. 4358, LLMVC, LSU.

her the money to pay Banks because borrowing was such a common practice. Another unskilled laborer, Aaron Griggs, agreed to work on A. P. Walsh's *Cecilia Vale* plantation "as one of the hands" from February until August 1823. He was expected to go out to the fields at the same hour as those enslaved on that plantation and was to be paid \$11 per month. The work Griggs did as a free man was not very different from what he would have done had he been enslaved. Walsh's overseer, who was paid \$400 per year, reported that Griggs missed twenty-nine days of work during that period. On twenty-one of those days Griggs was sick.<sup>32</sup> Griggs failed to show up for work on eight days when he was not sick. His labor was his own, and he could decide when and how to employ it. He lost pay for missing work on those days, but he was not whipped. Five other men - John Fogglemont, William H. Gray, Caesar Bailey, John Sandy, and Paul Batton - were listed as laborers in 1850, although Gray was listed as a carpenter in 1860.<sup>33</sup> John Tillotson was listed as a laborer in 1860; S. Meyers was a woodcutter. Three free men of color - William Chew, Henry Oconnor, and Dempsey Turner - served as sextons for the Grace Episcopal Church.<sup>34</sup> Whether handymen or field hands, these skilled and unskilled laborers provided needed services to their community.

In the 1860 census, two free women of color were listed as housekeepers. Each of them lived with a white man. One white man was a clerk born in Prussia and the other was a

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<sup>32</sup> Agreement, February 3, 1823, Walsh (A.P.) Papers Mss. 887 1820-1823. Folder 3b:18b and 3b:19c, LLMVC, LSU.

<sup>33</sup> Manuscript Census, 1850, WFP, La. ancestry.com.

<sup>34</sup> Free people of color were accepted as members of the Grace Episcopal Church. The rector [pastor] of the church conducted weddings and funerals for free people of color and offered church services to enslaved people on two plantations some distance from the church. Warren E. Milteer, Jr., has written that before the 1850s, free people of color, enslaved people, and white people attended church together in Gates County, North Carolina. Milteer, "Life in a Great Dismal Swamp Community," 156.

carriagemaker born in France. In a third household, a free woman of color listed as a cook lived with a white woodcutter born in Louisiana. All three households contained mulatto children; none had a white female present.<sup>35</sup> The census taker could have left the occupation of the women blank, but, instead, chose to explain the presence of a female of color in a white man's household when no white woman was present by labelling her a housekeeper or a cook. He, nonetheless, duly recorded the mulatto children in the household. The general acceptance of free people of color and white people of color living together as man and wife had ebbed by 1860. Some explanation was needed.

Table 1. Occupations of Free People of Color

	From Registration Statements, etc.	1850 Census	1860 Census
Domestic	1	1	
Laborer	2	5	
Drayman	3	2	3
Carpenter	1	7	6
Dairy Woman			1
Washerwoman	2		7
Nurse	2		
Servant			1
Midwife			1
Seamstress	3		1
Cook			1
Gardener			1
Housekeeper			2
Woodcutter			1
Waiter			5
Barber	3		
Shoemaker	1		
Brick molder	2		
Restaurateur	5		

Five free people of color in West Feliciana Parish had significant success as restaurant and boarding house owners. They were able to parlay their service-related training and experiences

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<sup>35</sup> Manuscript Census, 1860, WFP, La. ancestry.com.

into proprietorships and, although owners of their businesses, stood in relation to their white customers as cooks and stewards. Their roles were compatible with the expectations their white clientele had for people of color. White people patronized their businesses and were not threatened by their success. Neither in 1850 nor in 1860 did the census takers list any free people of color in the parish as restaurateurs or hoteliers. This absence might result from a personal disbelief on the part of the census takers who refused to accept the ownership information given to them or from an official policy to demean the successes of free people of color by failing to document them. Other records provide details concerning these ventures.

Nelly Wooten ran a popular tavern and inn at the mouth of Bayou Sara Creek from at least 1817 until shortly before her death in 1853. She initially rented the building, but eventually purchased it.<sup>36</sup> Wooten's tavern served river traffic and plantation gentry. When traveler Anne Royall visited Bayou Sara in 1830, she found two taverns, one kept by white men and the other kept by Wooten. She decided that Wooten's was better. Her chamber was "quite neat and comfortable with bars to keep out the mosquitoes."<sup>37</sup> On May 19, 1838, the diarist and plantation owner Bennet H. Barrow took his wife, mother-in-law, and children to Bayou Sara and "dined at Old Nelly's."<sup>38</sup> Wooten's restaurant was successful enough for her to purchase eight additional

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36 Lease agreement, April 18, 1818, Succession of John Rous, Box 89, Succession Records, WFP, La.; Sale, Ellen Wooten to William H. Glass, Book L, p. 122, June 28, 1853, Conveyance Records, WFP, La.

37 Royall, *Mrs. Royall's Southern Tour*, 89, 87.

38 Barrow, *Diary*, p. 48, May 19, 1838.

lots in Bayou Sara and to buy a 220-acre farm where she grew cotton and corn.<sup>39</sup> White Daniel Wicker worked as an overseer on Wooten's farm.

Despite having been enslaved herself, Wooten readily purchased laborers to help her in her boarding house and on her farm. In June 1831, she traveled to Hinds County, Mississippi, to buy Charlotte and purchased Moses and William there in December.<sup>40</sup> In 1840, she purchased Willis and Easter from Harrison Jordan of Williamson County, Tennessee, who was probably a regular trader in enslaved people.<sup>41</sup> At her death in 1853, Wooten's estate was valued at \$24,390 and included fifteen people she held in slavery along with mules, horses, oxen, cattle, promissory notes, and a wagon. Her 220-acre farm was valued at \$8,000.<sup>42</sup>

From 1831 to 1842, George Douse owned an inn and restaurant north of St. Francisville on Woodville Road, the primary route between Baton Rouge and Natchez, Mississippi. Douse's *Orange Hill* offered three meals a day and could provide champagne, ice cream, Havana cigars, and brandy. His house of entertainment supplied lodging for travelers and boarding for horses and was a favored site for dinners, parties, and balls.<sup>43</sup> In 1831, Douse, who had never been enslaved,

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39 Sale, John C. Morris to Ellen Wooten, Book H, p. 191, March 9, 1842, Conveyance Records, WFP, La.

40 Sale, David Dikson to Ellen Wooten, Bills of Sale 1, pp. 229-230, June 10, 1831, WFP, La.; Sale, David Dikson to Ellen Wooten, Bills of Sale 1, p. 230, December 20, 1831, WFP, La.

41 Sale, Harrison Jordan to Nelly Wooten, Bills of Sale 1, p. 346, January 16, 1840, WFP, La.

42 Inventory, September 1, 1853, Succession of Ellen Wooten, Box 111, Successions Records, WFP, La.

43 George Douse, Statement of Account dated at Orange Hill, Nov. 28, 1838, submitted in the Succession of Robert Haile, Claim no. 56, January 30, 1844, Box 43, Succession Records, WFP, La.; Anne M. Lobdell to Lewis Stirling, Jr., February 1836, Stirling (Lewis) and Family

bought a young man named Simon for \$550. Less than a year later, he purchased a 50-year old man named Mike for \$125.<sup>44</sup> Douse purchased more land and hired workmen to build a larger establishment, but he lost his property after the panic of 1837 and died in West Feliciana Parish in 1843.

Three other free people of color owned a boarding house and restaurant in the busy port town of Bayou Sara. In 1845, Maria Wicker had purchased a Bayou Sara lot and begun her successful restaurant and boarding house business. In 1856, she bought an adjoining lot and enlarged her establishment.<sup>45</sup> In an 1866 letter to his nephew, white George Greene wrote: “Ate an excellent dinner at Maria Wicker’s Hotel . . . Maria is an old darky, and she keeps a first-rate house.” His brother, William Greene, described Wicker’s boarding house as: “a model of neatness and good living.”<sup>46</sup> In 1851, when Ann E. Savage was ready to leave town, Wicker acted as a real estate holding company. She purchased the six acres Savage owned and held it for six months before selling it to a white purchaser.<sup>47</sup> In the 1860 census, Wicker’s occupation was listed as a

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Papers, Mss. 1866, LLMVC, LSU; Barrow, Diary, p. 98, April 10, 1839, p. 182, July 4, 1840, p. 206, December 23, 1840.

44 Sale, William Marssinger to George Douse, Book D, p. 267, July 5, 1831, Conveyance Records, WFP, La.; Sale, Edward Burton to George Douse, Book D, p. 374, March 6, 1832, Conveyance Records, WFP, La.

45 Sale, Martha Morris to Maria Battiste, Book I, p. 183, December 31, 1845, Conveyance Records, WFP, La.; Sale, Isaias Meyer and Phillip Adolphus to Maria Wicker, Book M, p. 70, January 19, 1856, Conveyance Records, WFP, La. (26 feet 11 inches fronting on Point Street, 119 feet back adjoining a lot she already owns and that of Henrietta Coleman for \$430).

46 George F. Greene to Henry Franklin Greene of Rhode Island, October 14, 1866, Greene Family Correspondence Mss. 4508 Misc., G. LLMVC, LSU; William R. Greene to Henry Franklin Greene of Rhode Island, April 5, 1867, *ibid.*

47 Sale, Anna E. Savage to Maria Wicker, Book M, p. 173, July 2, 1856, Conveyance Records, WFP, La. (\$1350); Sale, Maria Wicker to De Lafayette Stocking, Book M, p. 239, January 13, 1857, Conveyance Records, WFP, La. (\$1350).



dairy woman with real estate valued at \$1,500 and personal property valued at \$600. The other five adults in her household were waiters.<sup>48</sup> Wicker and her restaurant survived the war; she died in December 1867.<sup>49</sup>

In 1856, Henrietta Coleman purchased the lot next to Wicker's restaurant and built a boarding house she called *Henrietta House*.<sup>50</sup> Coleman's *Henrietta House* had seven guest rooms and two servant rooms. Each guest room had a bedstead, two mattresses, and an ewer and basin. Her *Gent's Double Room* contained a table, a sideboard, a lounge, a washstand, an armoire, a looking glass, two bedsteads, four mattresses, and a dinner bell. Other bedrooms held a foot tub, a looking glass, a washstand, chairs, a settee, a cedar foot tub, an iron wash kettle, a feather duster, a brush tray, an armoire, or a bureau. One had a Piano Forte valued at \$25.00. Coleman's *Parlor Room* had nine parlor chairs, a sofa, three rocking chairs, a what-not cabinet, an armoire, vases, a looking glass, five pictures on its walls, and a Brussels carpet and rug on the floor.

*Henrietta House* featured a dining room with an extension table and a variety of serving dishes including soup tureens, goblets, a cut-glass fruit stand, glass cake stand, 16 cake pans, a preserve dish, and a cream pitcher. Its kitchen had two tables, a cooking stove, and a brass preserve kettle. A storeroom held a refrigerator valued at eight dollars. In addition, Coleman had seven head of cattle.<sup>51</sup> Despite the size and luxuriousness of her boarding house, Coleman was listed in the

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48 Manuscript Census, 1860, WFP, La. ancestry.com.

49 Inventory, May 12, 1868, Succession of Maria Wicker, Box 115, Succession Records, WFP, La.

50 Sale, Isaias Meyer and Phillip Adolphus to Henrietta Coleman, Book M, p. 68, January 17, 1856, Conveyance Records, WFP, La. (a lot fronting 45 feet on Point Street by 155 feet adjoining lots belonging to Maria Wicker for \$300).

51 Inventory, April 10, 1867, Succession of Henrietta Coleman, Box 20, Succession Records, WFP, La.

1860 census as a washerwoman with real estate valued at \$1,000 and personal property valued at \$500.<sup>52</sup> There is no record of either Maria Wicker or Henrietta Coleman owning people, but Hampton Whitaker, the third restaurateur in Bayou Sara, did.

On April 9, 1857, Hampton Whitaker paid \$2,000 for lot 25 in square 3 in Bayou Sara with an existing hotel building on it. His hotel sat right on the Mississippi River. Whitaker purchased an enslaved woman named Louisa a few months later, probably to help him in his business.<sup>53</sup> Whitaker advertised his hotel in the *Phoenix Ledger* published in Bayou Sara and in the *Pointe Coupee Democrat*, a newspaper printed on the west side of the Mississippi River. He anticipated that customers would cross the river to stay at his hotel. His January 15, 1858, *Democrat* advertisement read, in part: “The proprietor respectfully informs his friends that in addition to his Restaurant he has now established a first-rate hotel. . . He is prepared to furnish gentlemen and families with comfortable rooms, and all the luxuries that can be had at any other hotel.”<sup>54</sup> The ad ran again on January 30, 1858, and February 6, 1858. His January 16, 1858, *Phoenix Ledger* ad promised: “This house will be found the most desirable in town for the convenience of families, having been selected expressly for his lady patrons.”<sup>55</sup> On January 1, 1859, he purchased the lot next to his hotel for \$700. Later that year, he leased the two lots and the building then known as

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<sup>52</sup> Manuscript Census, 1860, Bayou Sara, WFP, La. ancestry.com.

<sup>53</sup> Sale, Wilson P. Burton and Sarah Burton to Hampton Whitaker, Book M, p. 303, April 9, 1857, Conveyance Records, WFP, La. (Lot 25 in square 3 for \$2,200, four notes of \$500 each); Sale, R.S. Spalding to Hampton Whitaker, Book M, p. 246, June 7, 1857, Conveyance Records, WFP, La.

<sup>54</sup> *Pointe Coupee (False River, LA) Democrat*, January 15, 1858, January 30, 1858, and February 6, 1858.

<sup>55</sup> “China Grove Hotel – Formerly Henshaw House,” *Phoenix (Bayou Sara, LA) Ledger*, January 16, 1858.

*China Grove Hotel* to white Jackson C. Banff for three years at the price of \$1,000 per year. For \$1,500, he sold all the furniture and furnishings in the hotel, except the contents of the room he occupied, to Banff. In January 1860, Whitaker sold his enslaved man, twenty-three-year old Wilson, for \$1,600. In March 1860, he gave a power of attorney to white William Leake to collect his rent, to sell the property if there was a buyer, and to collect the insurance on the property in case of a fire.<sup>56</sup> He sold Louisa ten days later.<sup>57</sup>

Free people of color engaged in other kinds of businesses. Jordan Ritchie was a merchant. When he died in 1835, he left behind sixty gallons of molasses, 394 pounds pork, 853 pounds lard, 152 pounds of wool, twenty-six deer skins, twenty coon and beaver skins, 530 pounds bulk pork, 562 pounds bacon, eighty-three sacks corn, cooking utensils and bedding. He, apparently, brought this stock of goods with him from Kentucky to sell in Louisiana and became ill in Bayou Sara shortly after arriving. He lived long enough to write a will freeing an enslaved woman he owned in Kentucky, giving her the proceeds from the sale of his home there, and instructing her to move to Indiana. He left the remainder of his estate to his mother and stepfather.<sup>58</sup>

Kesiah Middleton participated in two different businesses. She assisted white Antonio Piccaluga who operated a flatboat that served as a grocery store and boarding house for vessels

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<sup>56</sup> Sale, Ann Reid, William W. Packie, and James Reid to Hampton Whitaker, Book N, p. 25, January 1, 1859, Conveyance Records, WFP, La.; Lease, Hampton Whitaker to Jackson C. Banff, Book N, p. 191, December 31, 1859, Conveyance Records, WFP, La.; Sale, Hampton Whitaker to James R. Raby, Book N, p. 210, January 3, 1860, Conveyance Records, WFP, La.; Power of Attorney, Book N, p. 307, March 21, 1860, Conveyance Records, WFP, La.

<sup>57</sup> Sale, Hampton Whitaker to John F. Irvine, Book N, p. 327, March 31, 1860, Conveyance Records, WFP, La.

<sup>58</sup> Inventory, August 21, 1835, Succession of Jordan Ritchie, Box 90, Succession Records, WFP, La.

plying the Mississippi. Piccaluga freed her in 1827 and left his flatboat to her when he died. In 1832, after Piccaluga's death, Middleton hired white Samuel Stevenson as her clerk to manage the flatboat's business, but Stevenson refused to provide an accounting to her, so she asked him to leave. Middleton then sold the flatboat and its contents to white Cecilia A. Thompson for \$800. In 1836, Middleton became a business partner with white Jonathan Ellsworth in a brickmaking business. Together they purchased about eight acres on Cat Island near Bayou Sara where they lived and worked until Middleton became ill. When Middleton died in April 1840, she owned an enslaved woman named Mary.<sup>59</sup>

Middleton and Piccaluga purchased their acreage for their brickmaking business, but it was highly likely that some portion of their property was used for crops. In this rural parish, where cotton, corn, and sugar cane were the cash crops, farmers also produced foods for local consumption. Free people of color who owned or lived on larger tracts of land outside of the two small towns were most certainly farmers, although none could be called a planter. None owned more than a few hundred acres, and none held more than a few people in slavery. They planted crops for their own table as well as for sale. Many of those who lived within the two towns had gardens and may have sold their produce to generate income.

In 1821, Jesse Wilson bought 500 acres. He sold 330 acres in 1824 but kept 170 acres. Caroline Perry owned 100 acres valued at \$2,000. Ann Maria Curtis had more than 200 acres, which she

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<sup>59</sup> Will, November 17, 1832, Succession of Antonio Piccaluga, Box 79, Succession Records, WFP, La.; Book E, p. 136, January 22, 1833, Conveyance Records, WFP, La.; Sale, Kesiah Middleton to Cecilia A. Thompson, Book E, p. 211, February 7, 1834, Conveyance Records, WFP, La.; Testimony, April 25, 1840, Succession of Kesiah Middleton, Box 68, Succession Records, WFP, La.; Sale, Jean Pierre Ledoux to Jonathan Ellsworth and Kesiah Middleton, Book F, p. 176, November 7, 1836, Conveyance Records, WFP, La.

sold in 1822 shortly before her death. Ann Maria Gray owned 53 acres valued at \$1,500.<sup>60</sup> People who owned large tracts of land generally held others in slavery.

Slavery was endemic in West Feliciana Parish. Free people of color, even those who themselves had been enslaved, took advantage of the unpaid laborers and enhanced status that the ownership of others brought to them. The presence of enslaved labor in their households suggests that crops were grown for sale and not just for consumption. In 1839, Ann Maria Gray acquired fifteen people, including a husband and wife, both fifty years old, younger men and women aged ten to twenty-two years old, and three children noted to be the children of a nineteen-year-old. They had been mortgaged by her vendor, Josias Gray, so she lost them in 1842. In 1845, her daughter, Josephine Gray, traveled to New Orleans to purchase Betsey, aged about thirty, from a regular trader in enslaved people. According to the record of her sale, Betsey had been introduced into the state only recently. In 1848, Ann Maria Gray purchased twenty-five-year old Mary Ann from the same trader. Josephine Gray signed as a witness for that sale. In 1850, Josephine Gray bought an enslaved fourteen-year old for herself.<sup>61</sup> In 1833, Norman Davis purchased twelve-year

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<sup>60</sup> Sales to Jesse Wilson, Book AA, pp. 53-55, December 1821- January 1822, Conveyance Records, WFP, La.; Sale, Jesse Wilson to Thomas N. Hosea, Book AA, p. 53, January 8, 1824, Conveyance Records, WFP, La.; Sale, Hardy Perry to Caroline Perry, Book K, p. 152, December 10, 1850, Conveyance Records, WFP, La.; Manuscript Census, 1850 WFP, La. ancestry.com.; Sale, James Haggerty to Mary Ann Curtis, Book A, p. 99, March 18, 1816, Conveyance Records, WFP, La.; Donation, David Weeks to Ann Maria Curtis, Book A, p. 112, July 17, 1816) Conveyance Records, WFP, La.; Sale, Ann Maria Curtis to Levi Sholar, Book AA, p. 10, March 18, 1822, Conveyance Records, WFP, La.; Sale, Josias Gray to Ann Maria Gray, Book AA, p. 329, June 23, 1830, Conveyance Records, WFP, La.; Manuscript Census, 1850, WFP, La. ancestry.com.

<sup>61</sup> Sale, Josias Gray to Ann Maria Gray, Book B, pp. 307-308, July 11, 1839, Conveyance Records, WFP, La.; Sale, Henry Freeman Peterson to Josephine Gray, Book K, p. 540, April 3, 1845, Conveyance Records, WFP, La.; Sale, H.F. Peterson to Maria Gray, Book K, p. 41, June 15, 1848, Conveyance Records, WFP, La.; Sale, John Valentine to Josephine Gray, Book K, p. 42, February 19, 1850, Conveyance Records, WFP, La.

old Rhody, and in 1835, he bought thirteen-year old Titus. He would later buy ten acres of land on the Mississippi River.<sup>62</sup>

Else Scott owned two enslaved people. In 1833, she sold thirty-year old Dorcas on the same day that she bought five acres of land on Woodville Road. Scott may have used the money from Dorcas's sale to pay for her land. Perhaps Dorcas had helped her in her laundry business which Scott was now giving up. In 1840, when Scott sold forty-five-year old Dicey, she also sold her five acres of land to the West Feliciana Railroad. Dicey had probably helped Scott enhance the value of her property from its \$600 purchase price to its \$2,500 sales price and was rewarded by being sold to another enslaver.<sup>63</sup>

Other free people of color bought and sold enslaved people. In 1837, Leucy Hutchinson purchased Bob and Charlotte, both twenty-four. In 1838, George Britton sold Dave to Mary Ann Britton. She held onto him for only two years before selling him in 1840. In 1848, when Catherine Collins purchased a lot in Bayou Sara, she paid for it with an enslaved female aged fifteen valued at \$450.<sup>64</sup> Both free people of color and white people saw the enslavement of laborers as an economic advantage and as a sign of social status. For free people of color, the enslavement of

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62 Sale, Daniel Fields to Norman Davis, Bills of Sale A, p. 239, July 8, 1833, WFP, La.; Sale, J.P. Boswell to Norman Davis, Bills of Sale 1, pp. 43-44, August 20, 1835, WFP, La.; Sale, Charles McMicken and James Turner to Norman Davis, Book F, pp. 494-495, January 11, 1839, Conveyance Records, WFP, La.

63 Sale, Else Scott to Caroline M. V. Hall, Bills of Sale A, p. 233, April 5, 1833, WFP, La.; Sale, Else Scott to Joseph Talary, Bills of Sale 1, p. 366, November 1, 1840, WFP, La.

64 Sale, Lewis C. Hutchinson to Lucy Hutchinson, Bills of Sale 1, p. 212, December 8, 1837, WFP, La.; Sale, George Britton to Mary Ann Britton, Bills of Sale 1, p. 218, January 9, 1838, WFP, La.; Sale, Mary Ann Britton and John Chefer, husband, to William M. Rankin, Bills of Sale 1, p. 337, February 13, 1840, WFP, La.; Sale, Pleasant H. Harbour to Catherine Collins, Book I, p. 490, Conveyance Records, West Feliciana Parish, La. (July 29, 1848).

others signified their allegiance to the slaveholding culture and protected them from suspicion. It also helped to augment their incomes.<sup>65</sup>

West Feliciana Parish provided ample opportunities for both entrepreneurialism and employment as it grew rapidly in the early nineteenth century. Free people of color had a variety of options in choosing how to make their living. White residents of the parish showed no reluctance to patronize or purchase businesses owned by free people of color. There was no apparent concern that a white man and a black woman owned a business together. Skin color was less important to acquisition decisions than what the seller had to offer.

The ready acceptance of free people of color in the community's economic life led enslaved people to come to the parish to work. White Samuel Nesmith of Amite County, Mississippi, gave Nitty, who he claimed to own, permission to go to Bayou Sara for a year to hire herself "to whomever she pleases to work for or whomever pleases to hire her and liberty to pass and repass from my place in Amite County Mississippi to Bayou Sarah unmolested for the year."<sup>66</sup> White Chauncey Pettibone of Wilkinson County, Mississippi, sent his servant Silvia to the Town of St. Francisville so she could earn the rest of the \$700 she needed to pay for her freedom. She had already paid \$441.45 and was expected to send him \$15 per month to pay the balance.<sup>67</sup> As

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<sup>65</sup> Ira Berlin argued that entry into the slaveholding class demonstrated to white people the reliability of free people of color and allowed them to stake a claim to equality. Ira Berlin, *Generations of Captivity: A History of African American Slaves* (Cambridge: Belknap Press of Harvard University Press, 2003), 139, 144.

<sup>66</sup> Permission to Travel, Book E, p. 254, May 23, 1834, Conveyance Records, WFP, La.

<sup>67</sup> Permission to Travel, Book G, p. 39, November 1, 1837, Conveyance Records, WFP, La.

historian Warren E. Milteer, Jr. has pointed out, free people of color were important to their community's economy wherever they lived.<sup>68</sup>

Despite the discriminatory laws intended to make free people of color feel unequal to white people, free people of color found their way. They may have learned a trade or engaged in an occupation or may have worked as unskilled laborers or washerwomen. Apprenticeships for carpentry seemed readily available although other more lucrative opportunities were not. Free people of color found employment, purchased land to farm, or started businesses. They were able to contribute to the economic development of the parish and to provide needed services while caring for themselves. Free people of color found space in the West Feliciana Parish community where they could belong.

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<sup>68</sup> Warren E. Milteer, Jr., "Life in a Great Dismal Swamp Community," 156.



## Chapter 5. Black/White Personal Relationships

Free people of color in West Feliciana Parish interacted regularly with free white people without reproach. There was no separated or segregated free people of color community. White and black people in West Feliciana Parish knew each other personally. They were friends and neighbors. They bought, sold, and donated property to one another. They looked after one another. The line between enslaved and free had greater significance than skin color. Perhaps the most documented relationships were those between male enslavers and their children born of enslaved women, but many other kinds of personal relationships existed.<sup>1</sup>

White people and free people of color in West Feliciana Parish trusted and depended upon one another. In 1816, after his father died, white Joseph Buatt became an apprentice and was taught to be a saddler and harness maker.<sup>2</sup> In 1835, Peggy Russell, at age 60, paid Buatt \$250 for her freedom. A year after purchasing her freedom, Russell bought two lots on Royal Street for \$300. She paid \$105 down and promised to pay the remaining \$195 over the next year.<sup>3</sup> In February 1840, when Russell wrote her will, she named her executors and asked that her estate be divided equally among her then living children:

Charlotte, as near as she recollects about 33 years old living with Thomas Hooper in the Parish of Rapides; Susan, between 32 and 33 and living with Archibald P. Williams in the Parish of Rapides; Marcus, a son about 30 living with a sister of Emile Dolton, deceased, on the Manchac . . . Adam about 27 living with William

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1 Kimberly Welch has written: “interpersonal relations of small communities presented free blacks with opportunities to be evaluated as human beings.” Welch, “Black Litigiousness and White Accountability,” 378; Alexis De Tocqueville believed that, in the South, the legislation treated free people of color more harshly, but the habits of the white people were more tolerant and compassionate. De Tocqueville, *Democracy in America*, 461.

2 Probate Record Book I (1811-1819), p. 203, June 29, 1816, WFP, La.

3 Sale, Joseph Buatt to Peggy Russell, Book E, p. 461, September 11, 1835, Conveyance Records, WFP, La.; Sale, Joseph R. Thomas to Peggy Russell, Book F, p. 199, December 17, 1836, Conveyance Records, WFP, La.

Chapman in the Parish of East Feliciana; also her two children Amy about 18 and Charles about 19 living with Mr. James Turner of this parish.<sup>4</sup>

None of her children lived with her and none of her children were free, but she knew their names and ages and believed she knew where they lived.

At some point, someone must have informed her that her enslaved children could neither look after her in her old age nor inherit her property. Russell was obliged to write a new will. Her October 1840 will revoked her earlier will and left her property to Buatt, her former enslaver. In exchange for the property, Buatt promised to care for her and her home, making any needed repairs. He promised to provide her with “the conveniences of life,” and to bury her at her death. Her children could not help her, so Russell turned for care in her final years to someone else she knew. Russell trusted Buatt to see to her needs. She died a month later, in November 1840.<sup>5</sup>

Russell was not the only free person of color to leave property to a white person at her death. Julia Gardner’s 1842 will left her estate to white Amelia Maria Mumford, the daughter of Captain Robinson Mumford of West Feliciana Parish. Gardner had been born free in Salem, Massachusetts, and could read and write. She was placed under the protection of Joseph Pierce at age five and moved west with Pierce. At a probate sale in February 1835, Gardner purchased a house on a one-acre lot in St. Francisville. She rented the house to one white person and rented a portion of the land to another to use as a garden. It is not clear where she lived; she may have lived in Mumford’s household. When Gardner purchased the lot, she executed a note and mortgage for the property with Mumford as her co-signer. She died in April 1843, and the note was paid in full

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4 Peggy Russell Will, February 21, 1840, Box 89, Succession Records, WFP, La.

5 Peggy Russell Will, Book G, p. 149, October 12, 1840, Conveyance Records, WFP, La.; Probate Record Book 8 (1840-1841), p. 43, November 25, 1840, Office of the Clerk of Court, WFP, La.

on July 28, 1843, probably by Mumford. Under the provisions of Gardner's will, Mumford's daughter inherited the property.<sup>6</sup> This bequest might have been merely the result of a business transaction rather than one between friends helping one another. It may be that Mumford agreed to co-sign the loan only on condition that the property be left to his daughter. Even were that the case, there had to have been some personal relationship between Gardner and Mumford that would embolden Gardner to ask Mumford to be her co-signer. The Gardner-Mumford relationship was not unusual in a parish where personal relationships between free people of color and white people were not uncommon. Legal records reveal several other such relationships.

In 1836, when Frank and his wife Nancy purchased their home in St. Francisville, they were not yet legally free. They paid cash and were identified as free people of color in the recordation of the transaction, but they did not use a last name.<sup>7</sup> It may be that no one asked about their status when they presented themselves ready to purchase the lot. It may be that no one cared. As long as the institution of slavery was not challenged, free people of color and enslaved people could conduct their affairs without the animosity that the color of their skin would evoke in the early 1900s.

It was not until October 1838 that white David Bradford applied to free Frank and Nancy from slavery. Bradford placed the required legal ads and no opposition was filed.<sup>8</sup> Between 1836

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<sup>6</sup> Julia Gardner Will, Book H, p. 442, March 7, 1842, Conveyance Records, WFP, La.; Affidavit of Free Status, Book H, p. 145, November 24, 1840, Conveyance Records, WFP, La.; Succession of Julia Gardner, September 6, 1843, Box 40, Succession Records, WFP, La.; Will, Probate Record Book 9 (1841-1844), p. 416, March 7, 1842, WFP, La.

<sup>7</sup> Sale, George Pease to Frank and Nancy, Book F, p. 136, October 24, 1836, Conveyance Records, WFP, La. (Lot 3, square 6 for \$450). [The record says square 1, fronting on the courthouse. Square 1 is not near the courthouse.]

<sup>8</sup> David Bradford Statement, Book G, p. 41, September 25, 1839, Conveyance Records, WFP, La.

when Nancy and Frank purchased the lot and 1850 when Frank Bradford sold it, Nancy died, Frank acquired the last name of Bradford, and Frank mortgaged the house and lot to white Daniel Turnbull.<sup>9</sup> In 1850, when Bradford sold his lot to white Hannah Fouty, he reserved for himself the right to occupy the kitchen in the yard for the remainder of his natural life. Fouty purchased the lot by paying the \$100 balance due on the mortgage held by Turnbull and by promising to take care of Bradford. Fouty's husband did not object.

Relationships between free people of color and white people were such that Fouty's husband was not bothered by Fouty's promise to care for a person with a different skin color, a person who formerly had been enslaved. There was no clamor raised about a free person of color living in the back yard of the white couple. The Foutys and Bradfords may or may not have been friends. They certainly were tolerant of each other's close company. In 1854, Fouty was ready to sell the property. She contacted Bradford, who had already left Louisiana, to ask that he free her from her obligations to him. Bradford agreed and Fouty paid Bradford \$50 for the release. Fouty sold the property to a white buyer for \$500 shortly thereafter.<sup>10</sup> No stigma attached to the property and she had no difficulty selling it. Other transactions evidenced even closer personal relationships between people of color and white people.

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<sup>9</sup> Sale, Frank Bradford to Hannah Fouty, Book K, p. 48, February 28, 1850, Conveyance Records, WFP, La. (Lot 3, square 6 for \$100). [The square numbers are different in the two acts of sale, but the 1850 act of sale specifically notes that this is the same lot bought from Major George Pease on October 24, 1846, and recorded in Book F, p. 136 of the Parish conveyance records and states that the land was next to that of William Chew. Chew owned lots in square 6. The \$100 sale amount was the balance on the mortgage on the property Bradford owed to Daniel Turnbull which Fouty agreed to pay.]

<sup>10</sup> Release of rights, Book L, p. 373, July 25, 1854, Conveyance Records, WFP, La.; Sale, Hannah Fouty to Cyrus Ratcliff, Book L, p. 375, July 27, 1854, Conveyance Records, WFP, La.

In 1837, Elsey Scott purchased three improved lots in square 2 on Royal Street in St. Francisville. Her 1835 will left her property to be equally divided between her daughter, Josephine Matilda Scott, and white Catherine Eliza Hall, the daughter of Nicholas C. Hall. In 1842, shortly before her death, Scott changed her will to make her daughter her sole and universal heir.<sup>11</sup> Catherine Hall had married into the wealthy Barrow family in September 1840 and had no need for Scott's property. Scott's initial decision to leave a portion of her property to Hall evidenced her close relationship with Hall.

Also, in 1837, Betsey Givins of Pointe Coupee Parish bought four acres of land with its improvements located one mile north of St. Francisville on Woodville Road. In 1838, she sold a portion of that property, 39 feet along Woodville Road and back 150 feet, to white Simeon Chefer and required him to enclose his lot with a good picket fence. Chefer was to pay \$100 on January 1, 1839, and \$50 on January 1, 1840. Instead, in March 1839, Chefer conveyed the property back to Givens. In 1876, Givens donated her four acres to white Mary Thornsberry, whose husband had been interdicted as incompetent on October 11, 1870. In the act of donation, Givens wrote that she gave the land to Thornsberry because of the love and affection she bore for her. Thornsberry needed permission from the court to accept the donation because her interdicted husband could not give his consent.<sup>12</sup> It is not clear how Givens and Thornsberry became such good friends. In

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<sup>11</sup> Sale, Joseph R. Thomas to Elsey Scott, Book F, p. 195, January 31, 1837, Conveyance Records, WFP, La. (Lots 2, 3, and 5, square 2 for \$175); Elsey Scott Will, July 14, 1835, Box 9999, Unrecorded Documents, Conveyance Records, WFP, La.; Succession of Elsey Scott, p. 225, March 15, 1842, Probate Record Book, WFP, La.

<sup>12</sup> Sale, Victor Dominique Vasse to Betsey Givins, Book F, pp. 293-294, July 13, 1837, Conveyance Records, WFP, La.; Sale, Betsey Givens to Simeon Chefer, Book F, p. 456, November 12, 1838, Conveyance Records, WFP, La. (\$150.); Sale, Simeon Chefer to Betsey Givens, Book F, p. 535, March 4, 1839, Conveyance Records, WFP, La.; Donation, Betsey Givens to Mary Aronstien, Book R, p. 310, March 13, 1876, Conveyance Records, WFP, La.;

1870, tension between white people and people of color was very high in West Feliciana Parish. Their friendship, apparently, surmounted that tension.

In 1838, William and Ann Jones purchased a lot in square 9 on Royal Street from white real estate speculator Charles McMicken for \$250. McMicken did not require a down payment, a rare occurrence. William Jones had been born free in New York. Ann Jones, his wife, was technically still enslaved when they signed the promissory notes for the cost of the property at ten percent interest. In 1836, when Ann was seventeen, white James Fair had given her his name, Fair, and given her the right to be free at age twenty-one. This right to be free at a later time gave Ann the status of *statu liberae*. She was legally capable of receiving gifts of property from that date forward and, if sold, would retain her right to be free at age twenty-one. In 1838, when she and William Jones bought the Royal Street property, she was only nineteen. William Jones signed his name; Ann Jones signed with an “X.” In August 1840, Fair officially set Ann Jones free. In 1841, when the Joneses wanted to sell the property, McMicken facilitated the sale by arranging for a buyer from New Orleans and by ensuring that the sale, at \$350, was at a profit.<sup>13</sup> This assistance, coupled with McMicken allowing the purchase without requiring a down payment, reflects a personal rather than a business relationship between the Joneses and McMicken.

Russell turned to Buatt, her former enslaver, in her old age. Mumford co-signed for Gardner and Gardner left property to Mumford’s daughter. Givens donated land to Thornsberry

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Petition of Mary Thornsberry, wife of Julius Aronstein, to accept a donation, Book R, p. 309, March 14, 1876, Conveyance Records, WFP, La.

<sup>13</sup> Sale, Charles McMicken to William and Ann Jones, Book F, pp. 407-408, March 8, 1838, Conveyance Records, WFP, La.; Affidavit of Free Status, Book G, p. 169, November 6, 1840, Conveyance Records, WFP, La.; Act of Emancipation, Book F, p. 56, March 8, 1836, Conveyance Records, WFP, La.; La. Civ. C. art. 193 (1825); Act of Emancipation, Book G, p. 139, August 21, 1840, Conveyance Records, WFP, La.; Sale, William Jones and Ann Jones to John Randall, Book G, p. 213, February 20, 1841, Conveyance Records, WFP, La.

whose husband had been interdicted. McMicken facilitated a purchase and a sale for the Joneses. Free people of color interacted with white people as people, not as members of a caste system. They met, spent time together or not, asked each other for favors or not, looked out for each other or not depending on their personal choices and not on societal mandates that separated people who might otherwise become friends. There was both a general practice and a general acceptance of personal relationships between white people and free people of color in pre-war West Feliciana Parish. These friendships and others across color lines were documented. No doubt many more undocumented friendships existed, but general acceptance did not mean 100 percent acceptance.

An 1835 newspaper article reported that white attorneys John B. Dawson and Cyrus Ratliff promoted a resolution in favor of planting a colony for free blacks in Texas. The resolution sought a federal constitutional amendment that would authorize a state to expel any free people of color living within its borders and sought a federal appropriation to support the Texas colony. Both Dawson and Ratliff served as judges in the parish and continued to conduct business with and for free people of color in the parish without reluctance or discrimination despite their resolution. They also had free people of color living in their households. Ratliff's household included four free people of color in 1830 and two free people of color in 1840. He had freed Ann and posted a \$500 bond for her in 1830 and appeared before Dawson in 1834 to record the birth and freedom of Ann's child, Andrew Jackson. Dawson's household included one free person of color in 1830 and none in 1840.<sup>14</sup> As judge in the parish, Dawson had received the registrations of free people of color required by the 1830 act and the acts of emancipation filed while he was judge. Their public

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<sup>14</sup> *The Phenix* (St. Francisville, LA), October 27, 1835; Act of Emancipation, Book D, p. 83, February 16, 1830, Conveyance Records, WFP, La.; Declaration of Free Status, Book E, p. 278, September 12, 1834, Conveyance Records, WFP, La.; Manuscript Census, 1830, 1840, WFP, La. ancestry.com.

position on free people of color did not alter their private treatment of the free people of color that they knew or with whom they came into contact. It may be that Dawson and Ratliff asserted their public opposition to free people of color to further their political careers rather than because of any animosity towards them. Conversely, they may have wanted to distance themselves from the free people of color they did not know, although they were comfortable keeping those they did know close to them. Relationships in the parish between people with different skin colors were personal.

On a regular basis, white men in West Feliciana Parish had children by the women of color they enslaved. These personal relationships were not friendships. They reflected the authority enslavers held over the women they enslaved. In 1832, when freeing thirty-year old Lucy and her two children, Barthelemi Bettelany explained that he had purchased Lucy with the intent to sell her, but that the situation changed.<sup>15</sup> Bettelany had free rein over Lucy and could decide in what ways she would be used. Lucy had no choice. Bettelany may have planned to use her to give him children and then to sell those children to make a profit on her purchase. Instead, he was now giving her her freedom. The children, aged fifteen and nine, would not be sold to benefit his estate. They also were now free. Bettelany's situation had changed.

The practice of white male enslavers having sexual relations with their enslaved females was widespread. By law, the body of an enslaved woman was owned by her enslaver, and he or she could send an enslaved woman to the fields, force her into a bedroom, or share her with friends. An enslaved woman could not reject the advances of her enslaver. She had no right to exercise consent and could neither say yes nor no to his demand for sexual relations. An 1817 law prescribed the punishment of death for any enslaved or free person of color who attempted to rape

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<sup>15</sup> Act of Emancipation, Book E, p. 149, February 1, 1832, Conveyance Records, WFP, La.



the body of any white woman or girl.<sup>16</sup> No punishment for rape protected a black woman. A free black woman might successfully resist, but an enslaved woman had no recourse. Many white men fathered children with women of color. Their acts of rape were not considered crimes under the then current laws.

Most of the fathers who sired children with enslaved women felt no compulsion to free their children. Some considered their contribution to the natural increase of their labor force both their right and their duty. In 1860, of the 9,571 people held in slavery in the parish, the census taker considered 1,208 of them to be mulattos, the children of sexual relationships between white slaveholders and the women they held in slavery. Only fifty-two mulattos were free. Yet, some fathers, like Bettelany, did free their children. Some also freed the mothers of their children, and some even provided property or took other steps to prepare their children for their futures. While some free people of color migrated into the parish, and others purchased themselves, twenty-three of the free people of color in the parish were the children of white slaveholders.<sup>17</sup> Some of these white enslavers formed family units with their children and their mother and might have married had marriage not been prohibited by law.

Thomas Purnell freed his children and their mother and lived openly with them as a family. Born into a prominent land and slaveholding family in Snow Hill, Maryland, in 1798, Purnell came to West Feliciana Parish in 1817 as the agent for Thomas R. P. Spence, also a resident of Snow Hill, and probably Purnell's uncle. On November 13, 1822, acting as attorney in fact for Spence, Purnell paid \$5,000 for three tracts of land amounting to about 550 acres on the west side of Little

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<sup>16</sup> 1817 La. Acts p. 18.

<sup>17</sup> Eighteen were freed during their father's lifetime; five were freed by his will.

Bayou Sara and fronting the bayou. Until 1860, he continued to live in West Feliciana Parish, buying and selling land and people both as the agent for Spence and for himself.<sup>18</sup>

Purnell had travelled to Louisiana with Mary Martin, who had been born in 1802 in Maryland and was enslaved by Spence.<sup>19</sup> In 1820, Purnell lived in Feliciana Parish with Spence and thirteen enslaved people. Two of them were women between the ages of 14 and 25. By 1826, Martin had borne Purnell three children: Matilda, born 1822, John, born 1824, and Mariah, born 1825. His children and their mother remained the property of Spence who did not plan to remain in Louisiana. In 1827, when Purnell prepared to return with Spence temporarily to Maryland, Purnell, acting as the agent for Spence, entered into an agreement with white Mary Doherty of West Feliciana Parish to provide care for his children and their mother in his absence. Doherty agreed to accept Martin and their children as apprentices: Matilda until she is eighteen or until November 1, 1840, John until May 1, 1845, and to be trained as a carpenter, and Mariah until 1843 when she would be eighteen. Their mother, Mary Martin, was conveyed to Doherty for a term equal to that of Mariah's so that Mary and her youngest daughter would be discharged together.

The agreement required Doherty to treat them in a lenient manner, and it allowed Purnell to take them back if he heard they were being mistreated, or if he gave six to nine months' notice of his intention to remove them from the state.<sup>20</sup> This agreement between Doherty and Purnell affiliated enslaved people owned by Spence to a local white family but in an quasi-legal way. Free

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18 Sale, Emily Bridges to Thomas R.P. Spence by Thomas R. Purnell, attorney in fact, Book B, p. 557, November 13, 1822, Conveyance Records, WFP, La.; See, generally, Conveyance Records, WFP, La., Books B-N; Probate Sales Book E 1848-1873, April 12, 1851, WFP, La.

19 Manuscript Census, 1850, WFP, La., p. 276. ancestry.com.

20 Agreement between Thomas Purnell and Mary Doherty, Book A, pp. 294-295, Book D, p. 64, February 10, 1827, Conveyance Records, WFP, La.

people, white or black, surrendered their freedom for a term to enter an apprenticeship, usually to learn a skill or trade. Purnell's family had no papers to show that they were free so had no freedom to surrender. They were, in fact, enslaved. Perhaps Purnell intended that people should believe Mary Martin and her children were free when they were not. Perhaps he merely sought to prevent them from being treated as the enslaved people they were. In 1830, after Doherty's death, her husband and son disclaimed all rights to Martin and the children. They acknowledged that the agreement with Purnell was an artifice entered into for the benefit of Purnell so that his children and their mother would be safe while he was away.<sup>21</sup> Doherty noted that the children had since gone back to Purnell and had been emancipated.

By an act dated July 27, 1829, Thomas Purnell, again acting for Spence, emancipated Martin and their children, Matilda, John, and Edward Purnell.<sup>22</sup> The act was not recorded until July 18, 1842. Mariah must have died before July 1829 as her name does not appear in the act of emancipation. Nor does it appear on the 1830 census record. The 1830 census shows two free colored males, both under age ten, and two free colored females, one under age ten and one between twenty-four and thirty-six years of age, in the Purnell household.<sup>23</sup> Edward, their fourth child, was born in 1829. Thomas Purnell and Mary Martin lived together as husband and wife until Purnell's death and would parent five more children: Sarah E., born 1832, Alexander, born 1834, Ann Maria, born 1836, William, born 1841, and Eugene, born 1843. John, Edward, and Alexander would become carpenters. Ann would become a schoolteacher.<sup>24</sup>

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21 Affidavit, Book D, p. 64, November 2, 1830, Conveyance Records, WFP, La.

22 Act of Emancipation Book H, p. 230, July 27, 1829, Conveyance Records, WFP, La.

23 Manuscript Census, 1830, WFP, La., p. 241 ancestry.com.

24 Manuscript Census, 1850, WFP, La., p. 276 ancestry.com.

Purnell's open acknowledgement of his children did not make him a pariah in his community. He still went out with Bennet Barrow and others to look for runaways.<sup>25</sup> He endorsed a note for a neighbor, Albert G. Howell, and paid it when Howell did not. Howell transferred 100 acres to Purnell to repay Purnell for paying Howell's debt.<sup>26</sup> Purnell served as the under tutor for the children of Dr. Robert Duer after their mother died.<sup>27</sup> There was no stigma attached to his choice of Martin for his lifelong mate. He continued to be a respected member of his community.

On February 3, 1833, Purnell purchased 120.1 acres of land, about eight miles from St. Francisville, as agent for Thomas Spence. This land was adjacent to land owned by Purnell in his own name. On July 15, 1843, Purnell conveyed those 120.1 acres to Martin for \$600.00 cash. Purnell had now arranged for Martin to be a landowner. As a landowner, Martin was less likely to be "mistaken" for an enslaved person and would have a place to call her own. Purnell probably provided the money for the purchase, as Martin had been a housewife with no source of income, but the property was purchased in her name and eventually sold in her name. Martin continued to own this 120.1-acre tract until she and Purnell moved to Baton Rouge in 1860. Purnell showed a similar concern for his sons. In 1851, Purnell sold a little over seventy-two acres to his two oldest sons, John and Edward, for \$350. The sons bound themselves to reserve for their mother five acres of land from the northern corner of the tract fronting their dwelling house. Four years later, John and Edward sold the land to their younger brother, Alexander, for the same price.<sup>28</sup>

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<sup>25</sup> Barrow, Diary, p. 32, September 29, 1837.

<sup>26</sup> Sale, Albert G. Howell to Thomas R. Purnell, Book I, p. 81, March 22, 1845, Conveyance Records, WFP, La.

<sup>27</sup> Succession of Dr. Robert Duer, October 27, 1841, Box 28, Succession Records, WFP, La.

<sup>28</sup> Sale, Maria Clark to Thomas R.P. Spence, Book E, p. 35, February 2, 1833, Conveyance Records, WFP, La.; Sale, Thomas Spence to Mary Martin, Book H, p. 443, July 15,

On May 23, 1857, Martin formally acknowledged her children to establish their legal relationship to her.<sup>29</sup> Because they had been born while she was not married, they were considered illegitimate, but they could be acknowledged. Only six of her nine children reached adulthood: Matilda, John, Edward, Sarah, Alexander, and Ann Maria. William had died July 21, 1850, of brain fever. In her acknowledgement, Martin noted that she was a free woman of color better known as Mary Purnell. She and her children used the last name of the children's father despite the absence of a legal marriage or his formal acknowledgement of the children.

In March 1860, Thomas Purnell and Mary Martin left the parish and moved to Baton Rouge. Martin sold her 120.1 acres to John J. Barrow for \$1,600, and Purnell and Martin sold Barrow all their interest in the stock on the land, together with the mark and security brand used to identify the stock, for \$334. Two weeks later, on March 29, 1860, Martin, purchased a 64 by 90-foot lot on the corner of Royal and Europe Streets, in Beauregard Town, Baton Rouge, Louisiana. The neighborhood around Royal and Europe Streets was like the neighborhoods in West Feliciana Parish, mixed with people of all shades of skin color living next door to one another. Sarah and Ann Maria were still living at home in 1860 and moved to Baton Rouge with their parents. Their oldest daughter, Matilda, had married William Hargis Gray, the son of Ann Maria and Josias Gray on August 24, 1848. Purnell died April 23, 1861.<sup>30</sup> By 1870, Sarah had

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1843, Conveyance Records, WFP, La.; Sale, Thomas Purnell to Edward and John Purnell, Book K, p. 279, June 14, 1851, Conveyance Records, WFP, La.; Sale, Edward and John Purnell to Alexander Purnell, Book L, p. 474, February 24, 1855, Conveyance Records, WFP, La. John and Edward Purnell signed their names, but Alexander made a mark as his signature.

<sup>29</sup> Acknowledgement of Maternity, Book M, p. 343, May 23, 1857, Conveyance Records, WFP, La.

<sup>30</sup> Sale, Mary Martin to John J. Barrow, Book N, p. 296, March 15, 1860, Conveyance Records, WFP, La.; Sale, Thomas Purnell and Mary Martin to John J. Barrow, Book N, p. 297, March 15, 1860, Conveyance Records, WFP, La.; Manuscript Census, 1870, East Baton Rouge Parish, La., p. 45 ancestry.com.; Book S, Folio 233, March 29, 1860, Conveyance Records, East

moved out and Alexander had moved in and was living with his mother and remaining sister. When Mary Martin Purnell died on April 12, 1884, at the age of eighty-one, a newspaper article noting her death stated that she was a native of Snow Hill, Maryland, but had lived in Louisiana sixty-seven years, twenty-four of them in Baton Rouge. Her obituary stated: “No name, among our free colored citizens, stands higher than that of Purnell.”<sup>31</sup>

Like Purnell, Josias Gray lived with the family he created with a woman he had enslaved. Gray had married twice but had no children from either marriage. He fathered four children with “his negro slave woman Ann Maria” and publicly and formally acknowledged his children by her. On June 13, 1825, when Gray emancipated her, he described her as: “aged about thirty years, about five feet ten inches high, of rather a light complexion.”<sup>32</sup> Maria had already given birth to two of his children and was pregnant with a third. After the birth of that third child, Gray appeared before the parish judge to say: “there was born on the plantation of the said Josias Gray, known as Mulberry Hill Farm . . . on the 28<sup>th</sup> day of December last (1825) a male child named William Hargis Gray, the mother of whom, is, and was at the time, a free woman of color named Ann Maria.”<sup>33</sup> In this document, Gray gave his name to William and asserted William’s status as a free person of color because his mother was free at the time of his birth. On July 4, 1826, Josias Gray

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Baton Rouge Parish, La.; Manuscript Census, 1860, East Baton Rouge Parish, La., p. 466 ancestry.com.; Petition of John and Mary Douse, para. 7, July 29, 1922, Succession of Richard Douse and Ann M. Douse, Probate no. 3,364, 22nd Judicial District Court, Parish of East Baton Rouge, La.

31 Undated newspaper clipping found in Charles Hatfield’s family Bible.

32 Act of Emancipation, Book AA, p. 147, June 13, 1825, Conveyance Records, WFP, La.

33 Declaration of Free Birth, Book AA, p. 187, May 2, 1826, Conveyance Records, WFP, La.

emancipated Thomas Hardy Gray, aged four, and Josephine Gray, aged about two, again, giving them his last name. He acknowledged these “bright mulattos and children of a colored woman named Ann Maria” as his illegitimate children.<sup>34</sup> By acknowledging them, Gray gave them the right to inherit his property and the right to require him to support them until their maturity.<sup>35</sup>

On August 4, 1827, Josias Gray bought fifty-three acres of land from his neighbor, William Draughan, for \$345.00 using three promissory notes of \$115 each, the first due on June 16, 1828.<sup>36</sup> In November of 1827, Gray transferred ownership of that property to Ann Maria Gray.<sup>37</sup> Ann Maria assumed Gray’s debt for the property and gave a horse to Draughan valued at \$100 in partial payment for the land. She issued a promissory note to Draughan payable in three months for \$250.00. Gray used this act of sale to again acknowledge his three children, Thomas Hardy, Josephine, and William Hargis Gray.

Although she had been emancipated and was now a landowner, Ann Maria remained in Gray’s household and continued to have his children. Ann Maria’s fourth child, Virginia, was born August 4, 1828, and Gray acknowledged her as his child at that time.<sup>38</sup> The 1830 census shows five free people of color living in Gray’s household: one female between ages twenty-four and thirty-six years and two females and two males all under ten years of age. The household also

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34 Act of Emancipation, Book AA, p. 234, July 4, 1826, Conveyance Records, WFP, La.

35 La. Civ. Code art. 913 (1825). (“The natural children of a father, if acknowledged, may inherit his estate if the father has no blood relatives and no wife at the time of his death.”)

36 Sale, William Draughan to Josias Gray, Book AA p. 319, August 4, 1827, Conveyance Records, WFP, La.

37 Sale, Josias Gray to Ann Maria Gray, Book AA p. 329, November 23, 1827, Conveyance Records, WFP, La.

38 Declaration of Free Birth, Book C, p. 242, September 24, 1828, Conveyance Records, WFP, La.

included two white males, one between twenty to twenty-nine years old and another forty to forty-nine years old, the elder of which was Gray.<sup>39</sup> Gray held 111 people in slavery in 1830. The presence of free people of color in his household did not cause Gray to reconsider his use of forced labor for his and their benefit.

On July 11, 1839, fourteen years after her emancipation, Gray sold fifteen enslaved persons to Ann Maria for \$13,000. The act of sale reported that the enslaved people were paid for in cash and by Ann Maria's services rendered "in the capacity of a housekeeper since her emancipation."<sup>40</sup> By reciting her position of housekeeper in his home, Gray confirmed that Ann Maria continued to live with him although, as an owner of land from which she could make her living, and now the enslaver of labor with which to work the land, she could have supported herself. There is no reason to believe that any money changed hands in this transaction. Had Ann Maria been paid as a housekeeper for fourteen years, she might have earned \$300 per year for a total of \$4,200. The \$13,000 payment recited in the act reflected the market prices of the people sold and acted to ensure that the transfer would not be deemed a gift. Louisiana law restricted gift-giving between persons who were living together as a married couple while not married to one another.<sup>41</sup> Because

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39 Manuscript Census, 1830, WFP, La. ancestry.com.

40 Sale, Josias Gray to Ann Maria Gray, Book B, pp. 307-308, July 11, 1839, Conveyance Records, WFP, La. (The fifteen persons transferred to Ann Maria included a husband and wife, both aged fifty years old, younger men and women aged ten to twenty-two years old, and three children noted to be the children of a nineteen-year-old.)

41 La. Civ. Code art. 1481 (West 1987), repealed 1987 La. Acts 468, formerly La. Civ. Code art. 1468 (1825). ("Those who have lived together in open concubinage are respectfully incapable of making to each other, whether inter vivos or mortis causa, any donations of immovables; and if they make a donation of movables, it can not exceed one-tenth of the whole value of their estate.")



Gray and Ann Maria lived in a marital relationship but were not married, a gift from Gray to Ann Maria could be negated by his creditors or by any relatives of Gray.

On November 6, 1839, Josias Gray and Ann Maria Gray together entered a declaration into the parish conveyance records regarding the free status of their children. They declared that Josephine Gray, William Hargis Gray, and Virginia Gray, were the children of Ann Maria, a free woman of color, and were Gray's illegitimate children. They noted that William and Virginia had been born since the emancipation of their mother.<sup>42</sup> No mention was made of Thomas Hardy Gray, their first child, who would have been 17 years old at that time. The 1840 census shows Josias Gray as the only free white person in his household. Ann Maria and their three children lived with him, as did 138 enslaved people.<sup>43</sup> Despite freeing his children and their mother, Gray continued to purchase people whose labor he could exploit and to hold in bondage the children of other mothers. He found no hypocrisy in enslaving other people's children while protecting his own children from slavery.

Gray died in 1842. His will had left a large bequest to his nieces and nephews and left the remainder of his estate to his acknowledged children. His estate included 14 tracts of land, animals, farming equipment, and "valuable Acclimated Negroes . . . among whom [were] a carpenter, blacksmith, other mechanics, and house servants."<sup>44</sup> His property, valued at between \$128,000 and \$130,000, was sold on December 19, 1842. Unfortunately, Gray's debts amounted to \$163,000. Because he was insolvent at the time of his death, Gray's children inherited nothing from his estate.

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<sup>42</sup> Declaration of free status, Book G, p. 44, November 6, 1839, Conveyance Records, WFP, La.

<sup>43</sup> Manuscript Census, 1840, p. 35, WFP, La. ancestry.com.

<sup>44</sup> Inventory, July 1, 1842, Succession of Josias Gray, Probate Record Book 9 (1841-1844), p. 252, WFP, La.

However, his will made clear that Ann Maria owned the 53 acres he had sold to her and owned the house that sat in his front yard. The fifteen enslaved people Ann Maria had purchased in 1839 had been mortgaged by Gray, so they were lost to his creditors.<sup>45</sup>

Any sexual relations between a slaveholder and an enslaved woman were necessarily coercive at their inception, but Ann Maria Gray and Mary Martin continued to live with and have children by their former owners even after they were freed. Each of them owned land and could have chosen to escape their relationships yet they chose to stay.<sup>46</sup> These initially coercive relationships begun between an enslaver and his female captive evolved into permanent relationships akin to marriage. These couples formed family units in which to raise their children and stayed together until death parted them.

It is likely that Ann Maria Gray weighed her options and decided to stay with wealthy Josias Gray to enjoy the comforts he could offer to her and her children. He had provided for her well, giving her freedom and land, and had publicly acknowledged their children as his own. Ann Maria Gray had reason to believe that Josias Gray would leave some portion of his property to her children. He had no other children. His first marriage ended with his wife's death and his second bride refused to move to West Feliciana Parish to live. Upon reflecting upon her options as she perceived them, and with a concern for the security of her children, Ann Maria Gray may have consciously decided to remain in a relationship with which she was familiar rather than risk her fate otherwise. Showy, flamboyant Gray may have been hard to love, but Ann Maria Gray knew

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45 Petition of Meeting of the Creditors, Probate Record Book 9; Will of Josias Gray, December 31, 1841, Probate Record Book 9 p. 121, WFP, La.; Bills of Sale 2, pp. 81-83, August 8, 1842, WFP, La.

46 Brasseaux, Fontenot, and Oubre, writing about the southwestern Louisiana frontier, reported that emancipated concubines usually stayed with their former owner. Brasseaux, Fontenot, and Oubre, *Creoles of Color in the Bayou Country*, 8.

she and her children could have been picking cotton instead. She may have resigned herself to accept her relationship with Gray recognizing that her life could have been much worse. She could not have anticipated that his extravagant living would deplete his estate.

Mary Martin's relationship with Thomas Purnell was probably very different. Although Purnell was a substantial landowner, he was not a large slaveholder. The 1830 census reported that Purnell, who freed his family in 1829, held only one man in slavery. By 1840, however, the Purnell household held fifteen people in slavery.<sup>47</sup> Purnell's care and concern for his family in placing them in the quasi-legal apprenticeship positions while he was out of town demonstrated his sincere interest in their welfare. That Martin and Purnell continued to have children and eventually left the parish together suggests a marriage-like relationship of mutual love and respect. They had travelled from Maryland together in 1817, yet it was not until 1822 that they had their first child. Their relationship might have been coercive at first instance, but Purnell demonstrated a depth of commitment that was probably reciprocated.

Louisiana's laws prohibited marriage between free people of color and free white persons and prohibited marriage between all free people and those enslaved. These laws precluded couples who chose to be together from forming legal families.<sup>48</sup> Nonetheless, Purnell and Martin stayed together, and Ann Maria and Josias Gray stayed together, as did other couples despite laws that would not allow their marriage. Not everyone in the parish appeared to approve of these relationships. The diarist Bennet H. Barrow, who attended balls at Douse's *Orange Hill* and ate

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47 Manuscript Census, 1840, WFP, La. ancestry.com.

48 La. Civ. Code art. 95 (1825) ("Free persons and slaves are incapable of contracting marriage together; the celebration of such marriage is forbidden, and the marriage is void; there is the same incapacity and the same nullity with respect to marriages contracted by free white persons with free people of colour.")

dinner at Nelly Wooten's restaurant, lived next to Purnell's property. In November 1839, he complained that his friend Mr. Riddell handed "T Purnell's Mulatto boy" something to eat and invited him to join their group. Barrow avowed that only his respect for Riddell kept him from protesting Purnell's presence. He lamented: "so goes this world."<sup>49</sup> Barrow was forced to accept that some of the other white people in the parish were more receptive to social equality between people with different skin colors than he was.

In August 1840, Barrow recorded his encounter with fourteen-year old William Gray who had dared to pass through Barrow's land to visit with the Purnells.

There is a great deal of talk through the country about abolition & yet the people submit to Amalgamation, in its worse Form in this parish. Josias Grey takes his mulatto children with him and to public places & and receives similar company from New Orleans, fine carriages & horses . . . yesterday Grey's son with two of his visitors from the city had the impudence to pass here & through my Quarter, on a visit to see Purnell's family. I ordered the Negroes if they returned this way to stop them . . . Alfred [enslaved by Barrow] suffered them to enter one Gate then shut both and had them completely Enclosed . . . dressed as fine as could be . . . As I rode up to them with a stick in my hand, and asked how dare they pass here & through my quarter, I never [saw] anything humble as quick as they did, forgot all their high breeding and self-greatness . . . I told them to take the road as fast as they could and never to pass this way again . . .<sup>50</sup>

Barrow had allowed one of Gray's enslaved men to pass through his property regularly and that man had shown William Gray and his friends the short cut. After chasing Gray and his friends away, Barrow hit Gray's guide with a stick. Despite his gloating about his treatment of Gray and his friends, Barrow respectfully referred to Purnell's daughter as "Miss Purnell" when he wondered what she would think of her suitor if she saw him trapped, surrounded, and afraid. Two years later, when "Old Grays Mulatto family passed" his property again, Barrow "made my negro

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49 Barrow, Diary, p. 133, November 6, 1839.

50 Barrow, Diary, pp. 188-189, August 3, 1840.

get as many horses as they could & gallant them from End of the Lawn through.” Barrow considered his act of dusting up the Gray party of riders: “no doubt the greatest indignity I could have offered them.” He was convinced: “they will never pass here again.”<sup>51</sup> Barrow may have objected to the trespass, to the showiness of the finely dressed young men, or to the openness of Gray’s appearance with his children. Or, Barrow may have been just a curmudgeon who took pleasure in bringing misery to others.

Annoying the offspring of white men and their once-enslaved women did little to stop the tide of these relationships. Few fathers formally acknowledged their children, as Gray did, and fewer still lived openly with them as Gray and Purnell did. Admissions of paternity were often much more subtle. On April 30, 1827, when William Hendrick took Fanny and her children to Hamilton County, Ohio, to release them from slavery, he described Fanny, age twenty-six, as mulatto in color and described her children as quarteroon in complexion. The label “quarteroon,” or “quadroon,” was affixed to the offspring of a mulatto and a white parent. By describing Fanny as mulatto and her children as quarteroon, Hendrick identified the children’s father as a white man. In his act of emancipation, Hendrick named the children: “my colored girl Cintheana now aged three years two months,” Samuel, between the age of eight and nine years, and William Augustus, two years old.”<sup>52</sup> It is likely that Hendrick was the father of at least the two younger children whose ages he knew with some precision. He may have sired all three children. When Hendrick used the word “my” in “my colored Girl Cintheana” he may have been claiming ownership of the child, but, more likely, Hendrick was claiming paternity.

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51 Barrow, Diary, p. 266, July 4, 1842.

52 Act of Emancipation, Book AA, pp. 332-335, April 30, 1827, Conveyance Records, WFP, La.

After she and her children were free, Fanny Hendrick returned to Louisiana. In April 1829, Fanny apprenticed her son Samuel, then ten, to white James A. Coulter to learn to be a carpenter. Coulter promised to use Samuel kindly and to furnish him with good and sufficient apparel, board, washing, and tools, including pliers, a saw, a hatchet, and a compass.<sup>53</sup> In 1831, when Fanny registered as a free person of color, Coulter swore that he knew Fanny Hendrick had been emancipated since 1825, despite the record that her emancipation took place in 1827.<sup>54</sup> His error in not knowing the date of her emancipation may have been due to her acting and being treated as an emancipated woman as early as 1825, right after Cintheana was born. William Hendrick may have begun to treat Fanny Hendrick as if she were free right after she gave birth to his daughter.

Once free, however, Fanny did not stay with William Hendrick. Fanny Hendrick had two more children, May Thomas and James Edward Tillotson. She cohabitated with white John Tillotson, the probable father of these two free-born children. In 1836, Tillotson donated the partial Bayou Sara lot on which they lived to May Thomas, still a minor child. Tillotson stated that he gave the lot and its improvements to Thomas in consideration of the friendship he had for Thomas. The gift came with the condition that Thomas not alienate or encumber the property while Hendrick lived, and that Hendrick manage the property.<sup>55</sup> Like Gray and Purnell, Tillotson provided a place for Hendrick and their children to live that was under Hendrick's control. They would have a home free from the clutch of Tillotson's creditors or relatives.

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53 Apprenticeship, Book C, p. 124, April 18, 1829, Conveyance Records, WFP, La.

54 Affidavit of Freedom, Book D, p. 130, March 7, 1831, Conveyance Records, WFP, La.

55 Donation, John Tillotson to May Thomas, Book F, p. 122, July 14, 1836, Conveyance Records, WFP, La.

In 1838, Hendrick's older daughter, Cintheana, purchased two lots in Bayou Sara two blocks away from Hendrick. She sold Hendrick one of the lots in 1842. In 1844, Hendrick purchased a lot near her home.<sup>56</sup> It is not clear what Hendrick did with these additional lots, but she likely put them to some commercial use in this busy port town. She continued to live on the partial lot Tillotson had given to Thomas. By July 1849, May Thomas had died. The lot Tillotson had gifted to her reverted back to him. He then sold the lot to Hendrick for \$25 but reserved for himself "the use and enjoyment of a room in the building" for the rest of his life.<sup>57</sup> Like Gray and Purnell, Tillotson lived openly with the mother of his children.

In November 1849, Tillotson donated an adjacent lot to his son, James Edward Tillotson, also then still a minor. The donation was given "in consideration of the natural love and affection he bears towards his son" and came with the condition that Hendrick and her children would keep and nurse John Tillotson "in his days of sickness."<sup>58</sup> With her purchases and the donation from Tillotson, Hendrick now owned or controlled three contiguous lots, and another lot some distance away, all in Bayou Sara. Tillotson never formally acknowledged his children, but he lived with them, provided them with lots in Bayou Sara, and expected them to care for him in his old age.

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<sup>56</sup> Sale, John Holmes to Cynthia Ann Hendrick, Book F, p. 377, February 27, 1838, Conveyance Records, WFP, La. (Lots 336 and 337 for \$900); Sale, Cynthia Ann Hendrick to Fanny Hendrick, Book H, p. 276, November 25, 1842, Conveyance Records, WFP, La. (Lot 508 in square 27 for \$250, called lot 336 or 337 in Holmes deed).; Sale, William Parker to Fanny Hendrick, Book H, p. 585, May 2, 1844, Conveyance Records, WFP, La. (Lot 415 in square 37 for \$90).

<sup>57</sup> Sale, John Tillotson to Fanny Hendrick, Book I, p. 598, July 27, 1849, Conveyance Records, WFP, La.

<sup>58</sup> Donation, John Tillotson to James E. Tillotson, Book I, p. 623, November 15, 1849, Conveyance Records, WFP, La.

Tillotson likely had less confidence in his relationship with Hendrick than Gray or Purnell had with the mothers of their children. Tillotson reserved a room for himself and required, as a condition for the donation, that his son care for him in his old age. Gray and Purnell didn't feel a need to put those expectations into writing. All three, however, lived with their children and their children's mothers as family even though the parents could not marry. Many other fathers left their children in slavery; still other fathers freed their children and sent them out of the state to boarding schools or to homes of friends. Family units such as these were probably more of an exception than the rule, even in West Feliciana Parish.

Lewis C. Hutchinson may have lived as part of a family unit, but he waited until Leucy Hutchinson died to declare that he was the natural father of their child. In 1839, Hutchinson sought to be recognized as the natural tutor of Lewis Hutchinson, born January 4, 1836, whose mother, a free woman of color, had recently died. Leucy Hutchinson left property to their son and Lewis C. Hutchinson, her son's father, asked to be authorized to manage it. The court allowed Hutchinson to manage his son's property and named Drury L. Mitchell as Hutchinson's under tutor. Mitchell soon argued to the court that Hutchinson was wasting his son's property. The probate court agreed and appointed Mitchell the tutor for Hutchinson.<sup>59</sup>

Leucy Hutchinson was not enslaved when she gave birth to a child whose father was white, and Hendrick chose a different white father for her younger children than the one who sired her older children. Hutchinson and Hendrick could have chosen differently. Their choices, and their

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<sup>59</sup> Declaration of Paternity, Book F, p. 483, January 8, 1839, Conveyance Records, WFP, La.; Acknowledgement of paternity, Book F, p. 483, January 8, 1839, Conveyance Records, WFP, La.; Inventory, January 29, 1838, Succession of Lucy Hutchinson, Box 42, Succession Records, WFP, La.; Petition of Drury Mitchell, August 13, 1839, Box 42, Succession Records, WFP, La.



open cohabitation, suggest a general, even if not universal, acceptance of intimate relationships between white men and women of color in West Feliciana Parish.

Planter Hardy Perry also lived as part of a family unit. In 1842, Perry allowed thirty-three-year old Caroline to go to Cincinnati to become free and to return to Louisiana “if she thinks fit.”<sup>60</sup> Perry appeared willing to lose her company, but Caroline returned to Louisiana and Perry recorded her Ohio certificate of emancipation in West Feliciana Parish two months later.<sup>61</sup> Given a chance to be free in a state without slavery, Caroline chose to return to Louisiana. The 1850 census shows sixty-five-year old Hardy Perry as head of a household that included free people of color Caroline Perry, still age thirty-three, and Augustus Perry, age eleven. It may be that Perry sent Caroline to Ohio without her son. Her son drew her back to Louisiana. In 1850, Perry sold Caroline Perry 100 acres taken from the north end of his property. He exchanged the land “for her service as housekeeper for me from August 1842, the date of her return from Cincinnati, and for the hire of her three negroes, viz: Mary, Olivia, and Handy, for 6 years.”<sup>62</sup>

In addition to selling land to her, Hardy gave Caroline more enslaved people: Ginny, age fifty, Boy John, mulatto, eighteen, Boy Clark, black, fifteen, Big George, black, twelve, and Boy

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60 Declaration of intent to emancipate, Book H, p. 231, July 18, 1842, Conveyance Records, WFP, La. (“to go to the City of Cincinnati in the State of Ohio, for the purpose of residing there + enjoying the benefit of the law of the said State of Ohio, which confers freedom on all slaves who are allowed by their owners to live in said State, and to return to the State of Louisiana after effecting her emancipation, if she thinks fit.”)

61 Certificate of emancipation, Book H, p. 247, September 3, 1842, Conveyance Records, WFP, La.; Negro Records, Book 5, p. 763, August 5, 1842, Hamilton County, Ohio.

62 Manuscript Census, 1850, WFP, La. ancestry.com.; Sale, Hardy Perry to Caroline Perry, Book K, p. 152, December 10, 1850, Conveyance Records, WFP, La.

Jacob, black, ten. Thomas Purnell witnessed the donation.<sup>63</sup> Caroline Perry bought and sold men, women, and children from 1844 until 1857.<sup>64</sup> In September 1858, she sold her land to white John Scott, an adjoining landowner, for \$1,500. She left West Feliciana Parish and bought 165 acres on Bayou Grosse Tete in Pointe Coupee Parish in January 1859.<sup>65</sup>

Other white men lived in households with mulatto children. The 1850 census recorded the skin color of members of each household. At the time of that census, four households headed by a white man included mulatto children and no white woman. In three of those households, the adult woman was listed as black; in the fourth, she was listed as mulatto.<sup>66</sup> White men in West Feliciana Parish showed no preference for lighter-skinned women of color.

The 1850 census reported that no white females lived in the same household as a free man of color, although earlier census reports showed that pairing. In 1840, eight households included both a free man of color and a white woman, but in each of those households, a white male was present. In 1830, when the census taker reported that no households were headed by people of

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63 Donation, Hardy Perry to Caroline Perry, Book K, p. 152, December 10, 1850, Conveyance Records, WFP, La.

64 Sale, Hardy Perry to Caroline Perry, noted in Sale, Caroline Perry to John Scott, Book M, p. 593, September 4, 1858, Conveyance Records, WFP, La.; Sale, Lewis Stirling, Jr. to Caroline Perry, Bills of Sale Book 2, p. 213, May 27, 1844, WFP, La.; Sale, Caroline Perry to Lewis Stirling, Jr., Bills of Sale Book 2, pp. 214-215, May 27, 1844, WFP, La.; Sale, Philander C. Smith to Caroline Perry, Book I, p. 461, April 17, 1848, Conveyance Records, WFP, La.; Sale, Caroline Perry to Obadiah Tate, Book K, p. 262, May 20, 1851, Conveyance Records, WFP, La.; Sale, Caroline Perry to Vincent D. Walsh, Book N, p. 319, May 2, 1857, Conveyance Records, WFP, La..

65 Sale, Caroline Perry to John Scott, Book M, p. 593, September 4, 1858, Conveyance Records, WFP, La.; Sale, Bridget Riley to Caroline Perry, Book N, p. 15, January 5, 1859, Conveyance Records, WFP, La., Confirmed by children of Riley, Book O, p. 114, February 12, 1866, Conveyance Records, WFP, La.

66 Manuscript Census, 1850, WFP, La. ancestry.com.

color, in thirteen households, a free man of color lived with both a white man and a white woman. This finding differs only slightly from what other researchers have found in other places. Brasseaux, Fontenot, and Oubre found only a handful of liaisons between white women and free men of color in Bayou Country, southcentral Louisiana, and remarked on the violent reactions to such unions.<sup>67</sup> Free men of color marrying white women was more common in the eighteenth than in the nineteenth centuries, primarily because of the backlash it incited.<sup>68</sup>

Winthrop Jordan reported a 1731 case where a carpenter, Gideon Gibson, moved from Virginia to South Carolina with his white wife. Gibson, a free man of color married to white women, drew suspicion from the members of the House of Burgess. The Governor of the state met with Gibson and investigated his reputation. He learned that Gibson's father and grandfather had also been free men of color. The governor recommended to the House of Burgess that Gibson and his family be allowed to remain in South Carolina. The attention given to these migrants was due to an aversion to this coupling. When the governor reported: "they are not Negroes nor slaves but Free people," he intimated that a Negro married to a white woman would not be acceptable to the state.<sup>69</sup>

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67 Brasseaux, Fontenot, and Oubre, *Creoles of Color in the Bayou Country*, 12.

68 Warren Milteer, Jr. concluded that most free people of color in Gates County were descendants from white or Indian women who married men of color rather than from white men who married women of color. The free men of color who married white women in North Carolina in the late 1700s and early 1800s were often charged with fornication and made to place bonds to guarantee support for their children. Milteer, "Life in a Great Dismal Swamp Community," 146, 162-164.

69 Winthrop D. Jordan, *White Over Black: American Attitudes toward the Negro 1550-1812*, 2nd ed. (Chapel Hill: University of North Carolina Press, 1968, 2012), 171-172. John Hope Franklin cited a 1741 law requiring the mulatto children of white servant women to be bound as servants to her master until age 31. Franklin, *The Free Negro in North Carolina*, 125.

In West Feliciana Parish, white people and free people of color had both business and personal relationships of various kinds. They selected friends and intimate partners regardless of skin color. Some slaveholders who had children with their enslaved women freed their children and took steps to secure their financial security. Others did not. Some previously enslaved women stayed with the white fathers of their children forming a family in which to raise their children despite the laws that prohibited their marriage. While slavery raged in the parish, free people of color and white people made friends with one another. Societal taboos did not interfere with their friendships. Nor did they prevent white men who wanted to be fathers to their children from doing so.

## Chapter 6. Six Notable Entrepreneurs

Six free people of color who lived in West Feliciana Parish warrant special attention both because of the information available about them and because of their singular achievements. These individuals built their businesses undeterred by state legislation or personal prejudices that might have discouraged others. They participated in their community's economy and developed flattering reputations for the quality of the services they offered. Portions of their stories appear in earlier chapters as their lives overlapped the lives of other free people of color in the parish, but these short sketches provide more information about these individuals to better illustrate their opportunities and challenges, their options and their choices, and their successes and failures.

William Chew was one of many enslaved people who purchased themselves. Once free, Chew made a concerted effort to reunite his family. He purchased his wife and children from their scattered owners and bought land on which they could make their home. The enslavers of Nelly Wooten and Maria Wicker provided the initial support for the restaurant and boarding house businesses they operated, but after that initial support, these women were on their own and became well-regarded businesswomen. Kesiah Middleton, once freed, became a business partner in two different businesses with two different white men. Land she purchased from the proceeds of her first business provided the security for her second business venture. Although all four began their lives enslaved, their freedom came to them in different ways and they used their freedom toward different purposes.

George Douse and Drury L. Mitchell were born free. They came to West Feliciana Parish with skills learned elsewhere. Douse had worked as a steward on a steamboat. He owned and operated a house of entertainment frequented by both travelers and by plantation gentry. Mitchell came as a carpenter and built and repaired plantation homes and business structures. Like so many

people who came into the state after the Louisiana Purchase, Douse and Mitchell came seeking their fortunes and found a community open to their aspirations. They used their skills to become a part of the parish economy.

These short biographical sketches document the individuality and the diversity of circumstances of their six subjects. They also demonstrate the interconnectedness of these free people of color to their community. Free people of color made purchases of land and people, they sued and were sued, and they inherited property and died giving rise to estate sales. They had both unique and shared experiences, had their own ambitions and priorities, and had varying degrees of success, sometimes because of their own actions and sometimes because of forces beyond their control. Public records proved to be a bountiful source of information about the lives of people whose private writings were not placed in archival collections. Starting with little more than their freedom and their initiative, these free people of color had an impact in their community and left a public record of some of their life activities.

#### William Chew, 1782-1853

William Chew was born in Maryland around 1778. He was moved from Maryland to Kentucky where he met Mariah and where their three older children, George, Arianne, and Wilson were born. Chew and his family then joined so many other enslaved people who were taken from Upper South States to the Lower South States and to places to the west that were not yet states. Chew was fortunate in that his family members moved together with him to Louisiana. Many families of enslaved people were torn apart by enslavers and traders.

Once in Louisiana, Chew's family probably stayed together until 1826, when his last child was born. The separation of his family may have prompted Chew to negotiate for his freedom with his owner, white John H. Mills, the son of the founder of Bayou Sara. In early 1827, Chew and

Mills agreed upon a purchase price of \$350. Chew made irregular partial payments from January to October in 1827. His initial payment of \$129.62½ was followed by payments of \$22 and \$37 in March, \$27 in June, and \$20 in July. Mills freed Chew in July, before he had completed his payments, trusting him to follow through. Mills described Chew as about forty-five years old and five feet six inches tall. He declared that he emancipated Chew “for and in consideration of the faithful and honest devoted services and the general good character of his mulatto man.” He did not mention Chew’s purchase price, but he did attach the tally of Chew’s payments to the public record evidencing Chew’s emancipation. Mills probably allowed Chew to work for himself while Chew was enslaved and to keep a portion of his earnings. Mills trusted Chew because he was familiar with his character. After he was free, Chew made additional payments of \$19.75 and \$17.50 in August and a final payment of \$27.12½ cents on October 16, 1827, totaling \$300. The receipt for his payments indicated that Mills “contributed gratuitously” the sum of \$50, thus satisfying the agreed upon purchase price of \$350.<sup>1</sup>

On March 8, 1831, three and a half years after he purchased himself, Chew purchased Mariah from white Mary Shouler, also of West Feliciana Parish. Chew paid \$225 for Mariah and, a week later, bought a lot on Fidelity Street in St. Francisville to provide a home for her. For the lot, Chew paid \$60 cash down and owed \$60 to be paid by January 1, 1832. Chew and his wife then worked to unite and free the rest of their family. His children had been sold to different enslavers, and the Chews set out to locate and purchase them one by one. Unfortunately, Mariah died September 10, 1837, and did not live to see her children freed. R.H. Ranney, Rector at the Grace Episcopal Church in St. Francisville, officiated at her funeral services.<sup>2</sup> In 1838, Chew

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1 Act of Emancipation, Book AA, p. 317. July 25, 1827, Conveyance Records, WFP, La.

2 Sale, Mary Shouler to Billy Chew, Book D, p. 266, March 8, 1831, Conveyance Records, WFP, La.; Sale, Moses Horn to Billy Chew, Book D, p. 204, March 15, 1831,

travelled to Hinds County, Mississippi, to purchase his daughter Harriet and his granddaughter May Lilly. White Charles Mead sold Harriet for \$500 and sold May Lilly “for the great regard I have for the Said William as a member of the church of Christ and for the sum of one dollar to me paid.”<sup>3</sup> By 1839, Chew had located three more of his children, George thirty, Arianne twenty-two, and Mary thirteen.

Chew petitioned the state legislature for their freedom and for permission for them to stay in Louisiana. In March 1839, an act of the Louisiana legislature authorized the Police Jury of West Feliciana Parish to emancipate the children and to allow them to remain in the state.<sup>4</sup> On June 3, 1839, the Police Jury freed the children and grandchild of William Chew. Chew posted a \$1,000 bond on June 7, 1839, with white Benjamin Collins of West Feliciana Parish as his security. The act of emancipation granted his descendants “perfect and entire freedom in all and every respect whatsoever.”<sup>5</sup> Three-year old May Lilly would grow up free. George Chew, William Chew’s eldest son, would get married.

On July 9, 1840, George Chew, who had born in 1809 in Kentucky, married Sylvia Green who had been born in 1810 in Virginia. In February of the next year, William Chew purchased three lots in St. Francisville next door to the law office of white Cyrus Ratliff.<sup>6</sup> On April 13, 1841,

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Conveyance Records, WFP, La. (Lot 6, square 11 for \$120); Parish Register A, p. 314, September 10, 1837, Grace Episcopal Church, St. Francisville, Louisiana.

3 Sale, Cowles Mead to William Chew, Bills of Sale 1, p. 216, January 12, 1838, WFP, La. (Harriet and May Lilly).

4 1839 La. Acts p. 78 §1.

5 Emancipation and bond, Book G, p. 7, June 3, 7, 1839, Conveyance Records, WFP, La.

6 Louisiana Complied Marriage Index, 1718-1925, ancestry.com on-line database, Provo, Utah (2004); Sale to William Chew, Book M, pp. 109-110, February 18, 1841, Conveyance Records, WFP, La. (Lots 4, 5, and 6 in square 6); Sale, Succession of Cyrus Ratliff to Grace



Chew purchased six lots across Prosperity Street from lots he already owned. He was now the owner of seven lots in square 11, comprising two sides of the square and three corner lots, and three lots across the street. He had plenty of space for his reunited family to live close to one another.



Figure 5. Lots purchased by William Chew 1831 – 1843

Chew donated a portion of his land to his recently married 32-year-old son George Chew the following week. A few years later, in 1843, Chew purchased another corner lot across Fidelity

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Church, Book N, p. 333, April 25, 1860, Conveyance Records, WFP, La. (Lot 3, square 6 for \$1,460).

Street from his property.<sup>7</sup> Chew had paid for all of his land purchases and for all of his family members in cash.

William Chew was a drayman. He moved things from one place to another. He also worked as the sexton for the Grace Episcopal Church in St. Francisville and was often called upon to retrieve the bodies of the dead for burial. In 1833, he was paid \$5 for hauling a coffin out for white Mary Constance Beauvais's body and returning with the corpse to Bayou Sara Landing. In 1834, when white Michael Ditto, the owner of a dry goods store, died, his estate owed Chew \$1.50 for the plank Chew provided. In 1845, Chew charged \$9.50 for digging a grave for William Marbury and for hauling Marbury's things to the courthouse for sale. Chew performed other jobs in the parish. In 1841, the parish police jury agreed to pay Chew \$250 to furnish wood and water to the courthouse.<sup>8</sup> Chew was well-known in his community and provided important services to it.

In April 1845, Chew found his son Wilson, who was then twenty-eight years old, in West Baton Rouge Parish. The West Feliciana Parish Police Jury allowed Chew to emancipate Wilson in June of 1845. Like Chew, his two sons, Wilson and George, were draymen. The 1850 census showed Chew living with his children, Wilson, Arianna, and Mary and with a grandchild, Susannah. Harriet had married Isaac Williams and moved with him and May Lilly to Wayne

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<sup>7</sup> Sale, Moses Esquire to William Chew, Book G, p. 212, April 13, 1841, Conveyance Records, Act of Emancipation, Book I, p. 116, June 23, 1845, Conveyance Records, WFP, La. (Lots 5, 7, 8, 9, 10, and 11, square 11 for \$425); Donation, William Chew to George Chew, Book G, p. 214, April 24, 1841, Conveyance Records, Act of Emancipation, Book I, p. 116, June 23, 1845, Conveyance Records, WFP, La.; Sale, Benjamin Lavergne and Eliza Winn to William Chew, Book H, February 4, 1843, p. 313, Conveyance Records, Act of Emancipation, Book I, p. 116, June 23, 1845, Conveyance Records, WFP, La. (Lot 1 square 14 for \$300).

<sup>8</sup> Manuscript Census, 1850, WFP, La. ancestry.com.; Succession of Mary Constance Beauvais, April 29, 1833, Box 62, Successions Records, WFP, La.; Succession of Michael Ditto, January 17, 1834, Box 26, Successions Records, WFP, La.; Succession of William Marbury, September 17, 1845, Box 67, Successions Records, WFP, La.; West Feliciana Parish Police Jury Minutes, June 1840-1855, 6.

County, Michigan. Chew's son, George, lived next door with his wife Sylvia and their daughter Mary.<sup>9</sup>

Chew's name appears once more in the parish conveyance records. Sarah Jackson asked William Chew and Clary Simms, a midwife, to declare that Jackson was the daughter of Leah Savage, a free woman of color, and was born in West Feliciana Parish subsequent to her mother's emancipation.<sup>10</sup> Their joint declaration sought to prove Jackson's status as a free woman of color. Simms, the midwife, was probably present at Jackson's birth and could give first-hand testimony; Chew's name was respected in the community and gave weight to the declaration.

William Chew died of yellow fever sometime between October 29 and November 5, 1853. He did not leave a written will, but, before he died, he told his children which of them should get which pieces of property. Arianne had predeceased him. On May 18, 1857, his remaining children recorded an amicable partition to ratify and confirm his verbal partitioning. In March 1856, Wilson Chew sold two lots to the Rector, Wardens, and Vestrymen of Grace Episcopal Church, and George Chew and the church exchanged one lot for a different one.<sup>11</sup>

In May 1857, Wilson and Mary Chew sold the other lots they inherited, and, in 1859, Harriet sold what land she had inherited. All their sales were to white purchasers. Only George

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9 Sale, Charles Smith to William Chew, Bills of Sale 2, pp. 254-255, April 4, 1845, WFP, La.; Act of Emancipation, Book I, p. 116, June 23, 1845, Conveyance Records, WFP, La.; Manuscript Census, 1850, WFP, La. ancestry.com.

10 Record of Free Status, Book K, p. 132, November 4, 1850, Conveyance Records, WFP, La.

11 "Yellow Fever: Calm Reflection," *The Bayou Sara Ledger*, February 18, 1854; Amicable Partition between George Chew, Wilson Chew, Mary Chew, and Harriet Williams, Book M, p. 336, May 18, 1857, Conveyance Records, WFP, La.; Sale/ Exchange, Wilson Chew and George Chew to Rector, Wardens, and Vestrymen of Grace Church, Book M, p. 109-110, March 14, 1856, Conveyance Records, WFP, La. (Wilson Chew sold lots 4 and 5 in square 6 for \$100.)

Chew, William Chew's eldest son, remained in West Feliciana Parish as a landowner. He held onto the land his father had given him in April 1841. In 1858, his wife, Sylvia, purchased some of the property her in-laws had sold out of family ownership. The 1860 census shows George Chew, age fifty-three, who worked as a drayman, living with Sylvia, age fifty, and their child Mary Chew, age seventeen. Their real estate was valued at \$1,000 and their movables were valued at \$600. George Chew died January 9, 1864, and was buried at Mount Carmel Cemetery in West Feliciana Parish. Sylvia Chew continued to live in the parish. In June 1860, Wilson Chew and his sister, Mary, were living in Oberlin, Ohio. Wilson was a laborer.<sup>12</sup>

In March 1868, Sylvia Chew sold a lot on Prosperity Street to Dempsey and Ann Turner. Turner was then the sexton at Grace Episcopal Church, as both William and George Chew had been. The lot Sylvia sold to the Turners was adjacent to church property. Selling at a low price, Chew stipulated in the sale that the property would return to Chew's estate free of costs after the Turners died. The Clerk of Court continued the practice of identifying free people of color in the documents filed in the courthouse. To distinguish between people of color who had been free before the Thirteenth Amendment to the United States Constitution passed in 1865 and those who

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<sup>12</sup> Sale, William Chew and Mary Chew to Jane Muse, Book M, p. 339, May 18, 1857, Conveyance Records, WFP, La. (Lot 5, square 11 and lots 6, 7, 8,  $\frac{3}{4}$  of 9,  $\frac{1}{2}$  lot 10, and lot 11, square 11 for \$600); Sale, Harriet Chew Williams to Margaret Ann Jordan, Book N, p. 6, February 17, 1859, Conveyance Records, WFP, La. WFP, La. (Lot 1, square 14 for \$300); Sale, Jane Muse to Sylvia Chew, Book M, p. 428, January 27, 1858, Conveyance Records, WFP, La. (NW  $\frac{1}{4}$  of lot 9 and north  $\frac{1}{2}$  of lot 10 and lot 11 in square 11 for \$160); Manuscript Census, 1860, WFP, La. ancestry.com.; Parish Register A+, p. 224, January 9, 1864, Grace Episcopal Church, St. Francisville, Louisiana. <https://www.findagrave.com/memorial/87429324>; Manuscript Census, 1860, Lorain County, Ohio, ancestry.com.

became free because of it, the clerk labeled Chew and Dempsey Turner “free people of color.” The clerk labeled Ann Turner a “freed woman.”<sup>13</sup>

In 1871, Chew filed a claim for \$500 with the United States Southern Claims Commission asserting that, in June 1863, the Fourth Regiment of the Wisconsin Cavalry Volunteers seized a horse, a saddle, and two sets of buggy harnesses from her. She said that the Illinois Cavalry Volunteers came through the parish in March 1864 and seized yet another horse from her. The Claims Commission disallowed her claim. In 1872, at age sixty-two, Chew leased a house and lot in St. Francisville to Joseph W. Armstead for five years but required Armstead to furnish her with all necessities and to pay her taxes. The lease was cancelled after only two months. Later that year, Chew sold lots 10 and 11 in square 11 in St. Francisville to Rev. Alexander O. Bakewell of the Grace Episcopal Church for \$500. William Chew had purchased these lots in 1841.<sup>14</sup> Sylvia Chew died August 1880 at age eighty.

William Chew had been brought to the parish with his family while enslaved. As he watched his family members being sold away from him, he resolved to reunite his family and doggedly went about locating and redeeming his children from their owners. He was able to earn money enough to purchase his freedom and, given a chance to use his labor for his own benefit, he put his family first. He served his community as a drayman and served his church as a sexton then spent his earnings to reconnect with his wife and children. He never had a large amount of money, but he felt committed to provide a home for his family and purchased contiguous lots so

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13 Sale, Sylvia Chew to Dempsey Turner and Ann Turner, Book P, p. 73, March 4, 1868, Conveyance Records, WFP, La.

14 Claim no. 4413, US Southern Claims Commission, July 22, 1871. 1997-2020 Ancestry.com; Lease Agreement, Sylvia Chew to Joseph W. Armstead, Book Q, p. 297, March 15, 1872, Conveyance Records, WFP, La.; Sale, Sylvia Chew to Rev. Alexander O. Bakewell, Book Q, p. 356, August 31, 1872, Conveyance Records, WFP, La.

they would all be near one another. He worked hard to bring his family together, and, after his death, his family chose to disperse. When they left, they did so as free people, and they chose their own destinations.

Nelly Wooten, 1787-1853

Born around 1787 in Virginia, Nelly Wooten also was transported against her will from her place of birth to what is now West Feliciana Parish but was then still a Spanish territory. In August 1809, white planter Henry Stirling sold Wooten to John Rous, a white merchant, for 800 pesos. The 1809 sales document said that Wooten was a twenty-two-year old mulatto and her son William, sold with her, was eight months of age at that time.<sup>15</sup> Wooten's older daughter was not sold with her. Wooten's sale was an isolated sale, indicating that she had been particularly selected for purchase by Rous. Rous probably chose Wooten at the behest of white Antonio Nolasco, his cousin. Nolasco clearly claimed Wooten's child as his own. In his 1817 will, Nolasco declared: "he had never married, but that he had two children of color born to Nelly."

Rous, in partnership with Nolasco, operated a dry goods store in Bayou Sara at the mouth of Bayou Sara Creek where it meets the Mississippi River. Rous and Nolasco sold a broad range of everyday items including flannel, linen, calico, cotton shirting, cheese, fish, gin, and candles. An inventory after Rous's 1811 death valued the goods in their store at \$18,029.29, a significant sum in this frontier outpost. Nolasco also transported cotton from St. Francisville to market in New Orleans in conjunction with his cousin James Nolasco.<sup>16</sup>

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15 Sale, Stirling to Rous, p. 64, 1809, Vendor Index to Conveyances, Sm to Sz, WFP, La.

16 Succession of John Rous, December 19, 1817, Box 89, Succession Records, WFP, La. A general store selling similar goods in 1817 had a merchandize value of \$9,734.00. McMicken v. Webb, 36 U.S. 25 (1837); Freight charge for shipping cotton, \$30, October 15, 1815, James Pirrie Papers, Mss. 1382, LLMVC, LSU.

Wooten may have been a fancy girl purchased for her potential to provide sexual pleasure to her enslaver. When white Dr. Warren Stone of West Feliciana Parish purchased Caroline, a 13-year old bright mulatto girl, for \$1,600, her deed of sale read:

To have and to hold the said above described negro girl Caroline with all the rights, titles, privileges, claims, and demands of and to the same belonging or in any wise appertaining unto the only proper use benefit and behoof of him the said Dr. Warren Stone his heirs and assigns forever.<sup>17</sup>

When able-bodied men were selling for \$800 each, Dr. Stone would not pay \$1,600 for 13-year old Caroline then send her to the fields to pick cotton or chop sugar cane.

How Wooten and Nolasco came to know of each other and where they consummated their relationship is sheer speculation. Wooten may have been chosen by Nolasco at Stirling's invitation from a stable of enslaved women available to visitors to the Stirling plantation.<sup>18</sup> Or, she may have been a house servant sent to pick up goods at Nolasco's store. She may have invited his attentions as an alternative to those of Henry Stirling. Someone had already fathered a child that she had carried. Perhaps she wanted to choose the father of her subsequent children. Notably, she alerted Nolasco to her pregnancy and convinced him that her infant was his child. That notice prompted Nolasco to send Rous to purchase Nelly and their child from Stirling. Nolasco did not go himself to make the purchase. Perhaps he doubted he could negotiate a good bargain given his urgency to acquire Wooten and their child. Rous went in his stead and brought Wooten and their child to Nolasco.

In his 1811 will, Rous explained that he was a native of Genoa, Italy, and had been in New Feliciana for nine years. In addition to his partnership in the dry goods store, his estate included

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<sup>17</sup> Deed of Sale, Book N, p. 317, April 9, 1860, Conveyance Records, WFP, La.

<sup>18</sup> In 1820, Henry Stirling held 39 people in slavery. Thirty worked in agriculture. Five were females aged 14 to 25. Manuscript Census, 1820, Feliciana Parish, La. ancestry.com.

the lot where his store and home were located and a lot next door where Nolasco lived. Rous left one-quarter of his estate to James Nolasco, a cousin to both Antonio Nolasco and to Rous, and the remainder of his estate to Rous's minor son, John Rous, Jr. Rous asked that Antonio Nolasco be the executor of his will and manage his son's property during his son's minority. Rous's son lived with John Stirling, a brother to the Henry Stirling from whom Rous had purchased Wooten.

After Rous's death, James Nolasco joined his cousin Antonio in the dry goods business. In October 1816, Antonio Nolasco purchased lot three, next door to where he lived.<sup>19</sup> In January 1817, Antonio Nolasco died in New Orleans. In his will, Nolasco described Wooten as: "heretofore my slave, now free, now pregnant." Nolasco explained that he owned Wooten's children, eight-year old William, valued at \$350, and five-year old Marguerite, valued at \$275. He directed that they be freed, and he left \$1,000 to them to share. He left Wooten 25 cows, and 40 hogs, and the recently purchased lot three in Bayou Sara. Wooten operated a tavern on her lot three and developed it into a popular tavern and boarding house. Nolasco left the remainder of his estate to John Rous, Jr. and James Nolasco.

James Nolasco died later that year, in December 1817. In his will, he asked that Nelly or Ellen Wooten, a free mulatto woman, be allowed to remain in the house she occupied on lot two until John Rous, Jr. became of age. Lot two was the middle lot between Wooten's tavern and the lot where the Nolascos and Rous had had their dry goods store. Both the Nolasco brothers, Wooten, and her children had lived there. Nolasco left \$1,000 to Wooten and divided the balance of his estate one-half to John Rous, Jr. and one-half to Wooten's children. On June 6, 1818, the executors of the Nolascos' estates confirmed Wooten's emancipation. The estates of Rous and of both

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<sup>19</sup> Sale, Matilda Stewart to Antonio Nolasco, Book A, p. 120, October 21, 1816, Conveyance Records, WFP, La.



Nolascos were combined and were placed under the administration of white James Turner. Turner sold some of the property belonging to the estates and was charged with fulfilling the terms of the will and managing the money belonging to the minor child, John Rous, Jr.<sup>20</sup> At the sale of the property, Wooten purchased a bed and other furniture. She also purchased an enslaved woman named Mary for \$400. Beginning in 1818, Wooten leased the lot where she lived from the Estates of John Rous and Antonio and James Nolasco.<sup>21</sup> She paid her rent quarterly. The lot, valued at \$4,000, had a substantial building on it.

On May 22, 1819, Turner gave Wooten the \$1,000 James Nolasco left to her and the \$1,000 Antonio Nolasco left to her children. Wooten took an oath as tutrix for her children and bound herself to preserve their funds for their use. White Charles McMicken, a land speculator and merchant in the parish, was her guarantor. The act of tutorship, however, named as her three children: Marguerite, born 1812, Gertrude, born 1813, and Antonio Nolasco, born 1817. William, who was eight years old in 1817, was not mentioned and may have already died. The 1820 census showed Wooten living with only one male child under age 14 and one enslaved woman between 14 and 25. Neither Gertrude nor Margaret appear on that census.<sup>22</sup> According to testimony in subsequent probate proceedings, Margaret had been taken to Cincinnati and had died while there. Perhaps Gertrude was with her at the time of the census.

It is also curious that Gertrude, who was six in 1819, was not mentioned in Antonio Nolasco's 1817 will. Nolasco left money to eight-year old William and to five-year old Marguerite

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20 Sheriff's Sale, Book A, p. 196, April 4, 1818, Conveyance Records, WFP, La.

21 Lease agreement, April 18, 1818, Succession of John Rous, Box 89, Successions Records, WFP, La.

22 Act of Tutorship, Succession of John Rous, December 19, 1817, Box 89, Succession Records, WFP, La.; Manuscript Census, 1820, Feliciana Parish, La. [ancestry.com](http://ancestry.com).

and noted that Wooten was pregnant. Wooten's son, Antonio Nolasco, was born in 1817. Gertrude was four years old, but Nolasco did not claim to be her father. When James Nolasco died, he left money and property to both Wooten and to Wooten's children, but did not name them. Perhaps James was Gertrude's father, or perhaps he was simply a doting uncle without other family.

On September 25, 1820, John Rous, Jr. died while at boarding school leaving no known relatives. His property was sold and the proceeds from the sale were put into the custody of Turner, the administrator of the Rous, Sr. and Nolasco estates. Three years later, the combined estates were still under Turner's administration and Wooten's children had not received any additional money. On September 6, 1823, Wooten filed suit against Turner claiming that, now that John Rous, Jr. was dead, her children were entitled to the whole of the money Turner held.<sup>23</sup> Wooten asserted that because Marguerite also was now dead Wooten was entitled to receive the portion that would have been given to Marguerite. In 1828, the Louisiana Supreme Court recognized her claim and ordered Turner to give to Wooten an accounting for the money he had handled. The court instructed him to give any money or other property left in the estates to Wooten as tutrix for her children.<sup>24</sup> James Turner's reluctance to dispense the money from the estates to Wooten may have been based in an objection to transferring funds from the estates of white men to people of color, or may have been simply greed. While he held the funds, he could invest them to his own purposes.

After the court ruled against him, James Turner resigned as estate administrator. On June 6, 1828, white John Cosby Morris began to administer the estates.<sup>25</sup> He filed suit against Turner to

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23 Petition of Nelly Wooten, September 6, 1823, Succession of John Rous, Box 89, Successions Records, WFP, La.

24 Ellen Wooten v. James Turner, 6 Mart. (N.S.) 442, 5 La. Rpt. 151 (1828); Civil Suit no. 194 (La.3rd Jud. Dist. Ct. December 16, 1824).

25 Probate Book 4 (1827-1829), p.123, June 6, 1828, WFP, La.

demand an accounting, and it was Morris who finally gave Wooten the inheritance belonging to her children. Morris, a native of Dublin, Ireland, operated an upscale general store and kept a warehouse in Bayou Sara. He also bought, sold, and rented out real estate there. Morris's store carried more luxurious goods than did the Rous and Nolasco store including: slippers, white cotton gloves, calf shoes, silver and gold jewelry, Irish whiskey, and fancy bouquet paper.<sup>26</sup> Morris so often sold on credit at ten per cent interest that he preprinted promissory note forms for his customers to complete. If Morris had to file suit to collect for the unpaid bill, he could more easily carry a promissory note to court as his evidence instead of bringing in his account books.

In 1828, Wooten cared for Morris while he was ill. Morris, a bachelor, may have lodged in Wooten's boarding house because he was too ill to live alone. It may be that during this time together Morris learned of Wooten's claim against Turner and agreed to take over the administration of the Rous and Nolasco estates. On April 24, 1829, after he recovered from his illness, Morris executed a document purporting to sell four enslaved people to Wooten for \$400: John, a black about fourteen, Lewis, a black about twenty-six, Deck, a black about twenty-four, and Sophy, a Negro about twelve. He was leaving the parish for some time and left these people in her care. He wrote:

Moreover, Should I never return, I give, grant, and bequeath to the said Nelly Wooten forever the above-named negroes and their increase warranted slaves for life. This I do in consideration of the debt I owe said Nelly Wooten, free woman of color, for my board, lodging, washing, and attendance during my sickness in 1828 and also in gratitude for the kind attention I received during the time of my illness. N.B. I also sell to said Nelly improvements put on her lot consisting of a 2-story

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26 Inventory, February 6-19, 1850, Succession of John C. Morris, Box 65, Successions Records, WFP, La.; *Louisiana Journal*, July 28, 1827; Invoice for purchases, January 3, 1839, Lyons (Henry A.) Papers, Mss. 1382, Box 1, folder 17, LLMVC, LSU; Letter, John Holmes to Thomas Butler, January 12, 1843, Butler Family Papers, Mss. 1026, Box 3c, folder 46, 48, LLMVC, LSU.

dwelling house unfinished with the furniture I possess: chairs, bedsteads, bed, and bedding, etc. for \$300.<sup>27</sup>

This note indicated that Morris had paid to build a two-story building on Wooten's lot and had occupied one of its rooms. He may have paid the costs to convert her tavern and boarding house into a fancier restaurant and hotel. Morris returned to Bayou Sara sometime before October 22, 1829, when he sued James Turner on behalf of Wooten for an accounting of the administration of the Rous and Nolasco estates. He waited until 1841 to add a notation to the 1829 document reporting the sale of the four enslaved people. He declared he had paid his debt to Wooten and that the deed he executed selling them to Wooten was null and void. The relationship between Wooten and Morris may have soured, or, more likely, by 1841, Morris felt that he had done enough for Wooten.

Wooten's hotel was a highly regarded establishment. In 1830, white Anne Royall, who left Washington, D.C., to travel through the southern states, visited Louisiana. She described Bayou Sara as a low swamp with a few houses, two or three warehouses and stores, and two taverns. She noted that one tavern was kept by white men and that the other, kept by Wooten, was better. She stayed overnight there and found her chamber neat and comfortable with bars to keep out the mosquitos. The table was set for dinner when she arrived, but she was concerned that there were no other white people around. A fellow steamboat passenger who had arranged for her room assured her that she was perfectly safe there. On May 19, 1838, the diarist Bennet H. Barrow, ate at Wooten's with his wife, mother-in-law, and children.<sup>28</sup>

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27 Sale, John C. Morris to Ellen Wooten, Book C, p. 236, December 1, 1829, and April 28, 1841, Conveyance Records, WFP, La. ("Having fully discharged and paid the debt of money and gratitude referred to on this sheet – I hereby declare this deed null and void now and forever. April 28, 1841")

28 Royall, *Mrs. Royall's Southern Tour*, 87, 89; Barrow, *Diary*, p. 48, May 19, 1838.

In 1831, Wooten traveled to Hinds County, Mississippi, to buy people held there in slavery. She bought Charlotte in June and Moses and William in December.<sup>29</sup> She probably used their labor in her hotel and restaurant business. Surrounded by slavery, Wooten may have given little thought to her own personal history or to the plight of her daughter left behind, enslaved by Henry Sterling. Slavery was pervasive in West Feliciana Parish and deeply imbedded in the thoughts and feelings of its residents. She was doing what other successful businesspeople had done, employing the uncompensated labor of others for her own advantage.<sup>30</sup>

In 1833, the law firm of Watts and Lobdell, which had represented Wooten in her claim against Turner, the Nolasco estate administrator, filed suit against Wooten to recover its fees. Wooten's note to the firm for \$400 was dated July 20, 1830. The suit to collect on that note was filed on April 20, 1833, and Wooten paid her fees on April 29, 1833. The suit was then dismissed.<sup>31</sup>

In March 1834, at a probate sale auction, Wooten purchased another lot in the same Bayou Sara square as her hotel. She paid \$68.75 cash at the time of the sale and promised to pay \$206.25 in two installments of \$103.12½ each on March 18 in 1835 and in 1836. She installed a horse stable on this lot and may have transported her guests from the railroad or from the docks to her hotel. She may have used a buggy to carry people and baggage up the steep hill to the town of St. Francisville. In August 1834, she paid Morris \$300 cash to build a frame house on a lot he owned

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<sup>29</sup> Sale, David Dikson to Ellen Wooten, Bills of Sale 1, pp. 229-230, June 10, 1831, WFP, La.; Sale, David Dikson to Ellen Wooten, Bills of Sale 1, p. 230, December 20, 1831, WFP, La.

<sup>30</sup> Paul A. Kunkel has commented on the pervasive presence of slavery in Louisiana. Kunkel, "Modifications in Louisiana Negro Legal Status Under Louisiana Constitutions 1812-1957," 7; Rev. H. Cowles Atwater commented that "familiarity with wrong can paralyze the conscience to all sense of guilt." H. Cowles Atwater, *Incidents of a Southern Tour*, 65.

<sup>31</sup> *Watts & Lobdell vs. Hellen Wooten*, Civil Suit no. 1276 (La. 3rd Jud. Dist. Ct. December 10, 1835).

next to her horse stable, at the corner of Calle de Sol and Calle Comercio. Morris wrote: “said lot I bargain and sell for the full term of her natural life.”<sup>32</sup> Wooten would own the house but not the lot, but she could use the property for the rest of her life. The transaction was dated August 1, 1834, but it was not filed in the conveyance records until March 15, 1850, two months after Morris’ death. Filing the document in the conveyance records protected Wooten from eviction.

In June 1836, Wooten purchased another lot from Morris for \$1,000. This lot was two blocks away from her restaurant and had a dwelling house and other improvements on it. Wooten paid Morris \$100 in cash June 14, 1836, and promised annual payments of \$300 at ten percent interest due on June 27th until 1839.<sup>33</sup> It is not clear how she used this building to generate income, whether as rental property or to operate another tavern. She did not move onto the property but continued to live next door to her restaurant and hotel.

In 1840, Wooten purchased Willis and Easter from white Harrison Jordan of Williamson County, Tennessee, who was probably a trader in enslaved people. The very next month, she purchased Margaret and Margaret’s son, Augustine, from white Mary Stirling, the widow of Henry Stirling.<sup>34</sup> In 1809, when Rous had purchased Wooten and her eight-month old son William from Henry Stirling, Caroline, Wooten’s daughter, was left behind. Margaret was Caroline’s daughter and Augustine was her grandson. Wooten took Margaret and Augustine to Cincinnati to be freed.

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32 Sale, Heirs of John Ketchum to Nelly Wooten, Book E, p. 224, March 18, 1834, Conveyance Records, WFP, La.; Inventory, Succession of Ellen Wooten, September 1, 1853, Box 111, Successions Records, WFP, La.; Sale, John C. Morris to Ellen Wooten, Book K, p. 50, August 1, 1834, Conveyance Records, WFP, La.

33 Sale, John C. Morris to Ellen Wooten, Book F, p. 144, June 27, 1836, Conveyance Records, WFP, La.

34 Sale, Harrison Jordan to Nelly Wooten, Bills of Sale 1, p. 346, January 16, 1840, WFP, La.; Sale, Mary Stirling to Nelly Wooten, Bills of Sale 1, p. 347, February 13, 1840, WFP, La.

In March 1841, Wooten purchased three more lots in Bayou Sara for \$3,000 cash. She had not yet learned to sign her name and continued to make her mark. Again, it is not known to what use she put these lots. On March 9, 1842, Ellen Wooten bought 220 acres on the waters of Bayou Sara south of the bayou for \$3,500. Her vendor, again, was John C. Morris who had paid \$3,300 for the land when he purchased it on January 18, 1841.<sup>35</sup> To pay for the land, Wooten gave Morris a \$2,000 promissory note originally issued by Andrew Skillman and made payable to Ira Smith. Ira Smith endorsed the note to Wooten. Wooten now endorsed the note to Morris. Skillman's promissory note passed from one hand to another as if it were cash. In addition, Wooten gave her own promissory note payable to Morris and due in twelve months for the remaining \$1,500 of the purchase price. In these transactions, Wooten was participating in the credit economy of the parish giving and receiving promissory notes along with cash to make purchases. She was passing notes and incurring debts like the other members of her community.

On her 220 acres, Wooten grew cotton and corn. In January 1848, she hired white Daniel Wicker as her overseer. He worked until October 21, 1848, and when he asked for his wages, Wooten did not pay him. He sued her for \$228.32, plus interest. He claimed he had raised a good crop; the cotton had been ginned, baled, and shipped off, and the corn was rapidly being consumed by her farm animals. He asked the court to sequester her crop until he received his wages, and the court complied. Wooten paid him his wages and the suit was dismissed on December 23, 1848. That spring, from February 3 to July 12, 1848, Wooten accrued a bill of \$26.75 with James Rudman, the town blacksmith. He had put shoes on a black horse for her, sharpened her ploughs,

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<sup>35</sup> Sale, James M. Baker to Ellen Wooten, Book G, p. 199, March 29, 1841, Conveyance Records, WFP, La.; Sale, John C. Morris to Ellen Wooten, Book H, p. 191, March 9, 1842, Conveyance Records, WFP, La.; Sale, Lemuel McCauley to John Morris, Book G, p. 174, January 18, 1841, Conveyance Records, WFP, La.

and put tires on a wheelbarrow. Also, Wooten had purchased large hooks and large nails from Rudman.<sup>36</sup>

In January 1850, John Morris, from whom Wooten purchased so much of the property she owned, died at age fifty-four. The inventory of his personal property was valued at \$27,029.23 and his real estate was valued at \$18,810.00 for a total of \$45,839.23. Wooten was among many who owed money to Morris at the time of his death. Morris had never married. In his will, he left the use of three lots with their improvements to Thomas Jefferson, who he described as “a free colored boy,” but Morris gave no indication of their relationship. He left the remainder of his estate to his half-sister, Rebecca Harrison. Harrison did not live long after her brother died. Her husband, George Harrison, administered the inherited property for their children until they were adults.<sup>37</sup>

In December 1850, Wooten and her daughter, Gertrude, purchased from Harrison for \$1,400 the lot she lived on next door to her hotel and restaurant.<sup>38</sup> They paid \$400 in cash and gave Harrison two promissory notes of \$500 each. Wooten had leased this property in 1817 and had probably lived on it since 1809 when Rous purchased her. The lot had been owned by Morris before his death in 1850. Wooten may or may not have paid rent to him.

In March 1852, Wooten bought a slice of land seven feet four inches by 120 feet next door to the lot where her hotel sat: “Said line passing about two inches from the lower front corner of

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36 Daniel Wicker v. Ellen Wooten, Civil Suit no. 167 (La. 7th Jud. Dist. Ct. October 23, 1848). This is the same Daniel Wicker who fathered children with Maria Wicker; Rudman (James) Account Book 1844-1848, Mss. 881, LLMVC, LSU.

37 Inventory, February 6-19, 1850, Succession of John C. Morris, Box 65, Successions Records, WFP, La.; Will, Probate Record Book I, 1811-1819, p. 136, May 8, 1815, WFP, La.

38 Sale, George Harrison, Tutor, to Ellen Wooten, Book K, p. 154, December 5, 1850, Conveyance Records, WFP, La.



the said Ellen Wooten's hotel, running parallel with the vendor's line."<sup>39</sup> Apparently, her hotel extended beyond her property line, so she purchased seven feet of the neighboring lot to correct that encroachment.

By June 1853, Wooten was willing to give up her hotel business. Her son was living in New Orleans and her daughter showed no interest in running a hotel. Wooten sold *Nelly's Hotel* to white William H. Glass for \$3,500. Glass paid \$500 down and promised to pay \$3,000 in four installments of \$750 each. Glass was an experienced restaurateur. In 1852, he advertised his *Oyster Saloon and Restaurant* that had a renovated room adjoining the bar room and offered oysters from New Orleans and the finest wines. In August 1853, Glass advertised the new furniture, beds, and linens in the *Planter's Exchange Hotel*, another establishment that he owned. Glass converted *Nelly's Hotel* into *Glass House* and, in February 1854, Glass advertised *Glass House*. He described it as a "new house, newly furnished, for the use of a family . . . kept in conjunction with the *Planter's Hotel*." He noted that a first-rate livery stable was attached. He proved unable to pay his notes, but it was not for want of trying. When he couldn't pay, Wooten's children sued him. The property was auctioned off and the Nolascos jointly reacquired the property in July 1854.<sup>40</sup>

Wooten had moved to New Orleans shortly before her death on August 6, 1853, and was buried in Girod Street Cemetery there. Before Wooten died, she sued John Morris's heirs for an accounting of Morris's handling of the Rous and Nolasco estates and to collect on a promissory

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39 Sale, Jacob Michael to Ellen Wooten, Book K, p. 466, March 19, 1852, Conveyance Records, WFP, La.

40 Sale, Ellen Wooten to William H. Glass, Book L, p. 122, June 28, 1853, Conveyance Records, WFP, La.; *Bayou Sara Ledger*, May 11, 1852; *Bayou Sara Ledger*, August 20, 1853; *Bayou Sara Ledger*, "Yellow Fever: Calm Reflection," February 18, 1854; Sheriff's Sale, Book L, p. 391, August 26, 1854, Conveyance Records, WFP, La.

note Morris had signed in her favor. She argued that more money was due to her children from those estates and that Morris owed money to her when he died. She did not live to learn that the Louisiana Supreme Court, in 1854, ruled against her. The court noted that Morris had filed a final accounting and had been discharged from his responsibilities as the estate administrator in 1830. Morris's account specifically noted that Wooten had been paid. The court refused to reopen Morris's administration of the estates more than twenty years later. As to the promissory note dated January 9, 1846, the court accepted the defendant's argument that the note Wooten presented was a disguised donation to a concubine for which there was no valid consideration. Louisiana law prohibited gifts between concubines and paramours.<sup>41</sup> Any such gift would not be recognized by a court.

The Court announced: "The evidence tends quite strongly to the conclusion that the relation of concubinage did once exist between the plaintiff and Morris."<sup>42</sup> It noted that Wooten had made payments to Morris for land purchases after the date of the note Wooten was now presenting. She could have offset the monies owed for purchasing the properties by the monies owed on the promissory note. Instead, she paid Morris for the properties even though she held this debt due from Morris to her. This finding of a marriage-like relationship between these two unmarried people helps to explain the abundance of financial interactions between Wooten and Morris. Morris may have acted as an intermediary for Wooten hoping to negotiate a better price, or he may have purchased the properties and transferred their ownership to Wooten without accepting any

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<sup>41</sup> Ancestry.com U.S., Find a Grave Index, 1600s-Current; La. Civ. Code art. 1468 (1825).

<sup>42</sup> E. Wooten v. George Harrison, Tutor, 9 La. Ann. 234, 235 (1854).

payment from her. The transactions in the conveyance records may represent gifts from Morris to Wooten disguised as sales or may accurately report purchases for which Wooten paid.

Traveler Anne Royall had reached a similar conclusion about the relationship between Wooten and Morris. She wrote that Morris was “smitten with her charms and her property, made love to her, and it was returned, and they live together as man and wife.” Royall commented that Wooten was “the ugliest wench I ever saw, and, if possible, he was uglier – so they were well matched.” She added, “This madam and her Irish gallant have an expression of horror about them.”<sup>43</sup> In 1830, Wooten was only in her forties, but she may have lost her looks already.

After Wooten died, Gertrude Nolasco, Wooten’s daughter, appointed white D.L. Stocking as her agent to handle her mother’s estate. She explained that she was a resident of West Feliciana Parish, the wife of Emile Populus of New Orleans, but was separated from him and currently visiting in Brooklyn, New York. Gertrude Nolasco had married Populus on November 26, 1846, in West Feliciana Parish. They left the parish to live in New Orleans, but she returned to West Feliciana Parish while he remained in New Orleans. The two children living with her in 1860, Pierre L.D. Nolasco born 1855 and E. Wooten, born 1856, did not bear his name. Gertrude’s brother, Antonio, asked to be the provisional guardian of Wooten’s property while Gertrude was in Brooklyn.<sup>44</sup>

The September 1, 1853, inventory of Ellen Wooten’s property showed that she owned “Eddie Place,” her 220-acre residence just east of Bayou Sara Creek valued at \$3,000 and eight lots in Bayou Sara valued at \$8,000. Her personal property was valued at \$3,790 and included mules,

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43 Royall, *Mrs. Royall’s Southern Tour*, 90-92.

44 Petitions, August 31, 1853, October 6, 1853, Succession of Ellen Wooten, Box 111, Succession Records, WFP, La.; Manuscript Census, 1860, WFP, La. ancestry.com.

horses, oxen, cattle, promissory notes, a wagon, and cotton and corn. The 15 people she held in slavery were valued at \$12,600 making her total wealth at her death \$24,390.<sup>45</sup>

In a petition filed after Wooten's death, Margaret Smith, Wooten's granddaughter, sought to share in Wooten's estate. Smith declared that her mother, Caroline, had been born to Wooten while Wooten was enslaved by Henry Stirling. Consequently, Caroline was enslaved, and Smith, a child of Caroline, was enslaved. According to Smith, Wooten purchased her and took her to Cincinnati to be manumitted. Smith's act of manumission was recorded with a notary public in New Orleans. She claimed that she and Wooten visited one another frequently, and she felt entitled to a portion of Wooten's estate. Smith's suit was not frivolous. Her mother, Caroline, had died while enslaved, but Smith was free when Wooten died. Louisiana's laws allowed a child of an enslaved person to inherit from that person's parents, even though the enslaved person could not.<sup>46</sup> Smith could inherit from Wooten although Caroline could not. Smith must have had difficulty proving her relationship to Wooten as it appears that she did not receive any of Wooten's property. Gertrude and Antonio E. Nolasco divided Wooten's property between them.

When dividing the people Wooten held in slavery, Gertrude received nine people, while Antonio received seven.<sup>47</sup> Over the next twenty years, Gertrude and Antonio sold these enslaved

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45 Inventory, September 1, 1853, Succession of Ellen Wooten, Box 111, Succession Records, WFP, La. By comparison, the Governor of Louisiana received a salary of \$6,000 in 1855. "Salaries of Governors," *Thibodaux Minerva*, July 28, 1855.

46 La. Civ. Code art. 177 (1825). ("They can transmit nothing by succession or otherwise; but the succession of free persons related to them which they would have inherited had they been free, may pass through them to such of their descendants as may have acquired their liberty before the succession is opened.").

47 Partition in kind, Book L, p. 209, January 23, 1854, Conveyance Records, WFP, La. Gertrude Nolasco and Antonio E. Nolasco received 7 slaves each plus 4 promissory notes of William H. Glass. Antonio received: Charles 33, \$1,000; Lewis or Jim 25, \$1,000; Big Henry 27, \$1,200; Little Henry 15, \$600; Melinda 35, \$600; Natice or Rebecca, age? \$800; Azeline 17,

people and sold Wooten's other property bit by bit. Gertrude first sold three-year old William away from his mother, Lydia, and his infant sister.<sup>48</sup> She kept Lydia and her daughter until 1860 when she sold Lydia, her daughter, and two additional children born to Lydia, all to one buyer. In 1855, Nolasco sold Willis and his wife Easter to white James Dudley. Dudley died before he finished paying for them, and Nolasco sued his estate. The sheriff seized and sold Willis and Easter, and Nolasco recovered the remaining amount owed to her on their purchase price. In 1859, Nolasco sold Big Henry on behalf of her brother.<sup>49</sup>

Wooten's children, Antonio and Gertrude Nolasco, sold Wooten's 220 acres, with its buildings, 40 head of cattle, 6 mules, a horse, farming utensils, ox cart and wagon, horse cart, plows, hoes, and other plantation equipment, to white William B. Rucker for \$2,500. Rucker issued four notes of \$625 each: two notes payable to Antonio, and two notes payable to Gertrude. Three months later, Rucker sold the property to white William Fort, Wooten's neighbor on the east and north sides of her property, for \$2,750. Because of the lawsuit Margaret Smith filed claiming to be Wooten's granddaughter and seeking to receive a share of Wooten's estate, Fort refused to pay the

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\$800; Gertrude received: Sam 22, \$1,500; Letitia 16, \$1,000; Lydia 30 and her two children, William 3 and infant Antoinette, \$1,100; Easter 40, \$600; Willis 40, \$800; David 14, \$600; Charlotte 35, \$600.

48 Sale, Gertrude Nolasco to William Ball, Book L, p. 251, March 16, 1854, Conveyance Records, WFP, La. Louisiana laws prohibited the sale of a child under ten separately from the sale of the child's mother. 1829 La. Acts p. 38, no. 24. The penalty for selling a young child away from the child's mother was a fine of from \$1,000 to \$2,000 and six to twelve months in jail.

49 Sale, Gertrude Nolasco to Isaac Freeland, Book N, p. 387, August 16, 1860, Conveyance Records, WFP, La.; Sale, Gertrude Nolasco to James Washington Dudley, Book L, p. 514, March 29, 1855, Conveyance Records, WFP, La.; Sheriff's sale, Book M, p. 279, March 7, 1857, Conveyance Records, WFP, La.; Sale, Antonio Nolasco to William Hearsey, Book N, p. 174, December 1, 1859, Conveyance Records, WFP, La.

notes he owed on the property. He argued that Smith's suit threatened him with eviction. If Margaret was recognized as a legal heir of Wooten, the estate would need to be divided into three parts instead of in half. Fort feared he might have to pay money to Smith for the land and buildings in addition to paying Rucker. Gertrude Nolasco provided security to reimburse Fort in case he was evicted.<sup>50</sup> Smith's suit was ultimately dismissed.

In 1855, Gertrude and Antonio Nolasco sold the lot where they and Wooten had lived to white Charles Stoer. Stoer owned a hotel on the lot next door. Both Wooten's hotel and the hotel Charles Stoer owned had burned down by then in one of the frequent fires that plagued Bayou Sara. Stoer now had a larger piece of land on which to rebuild. In 1857, the siblings sold the lot where Wooten had kept her horses. Because Gertrude was separated from her husband, she needed authorization from a judge to sell the lot. Populus was not present for the sale and did not give his written consent. In addition to acting for herself in the sale, Gertrude acted as the agent for Antonio. In 1858, the Nolascos sold the lot where Ellen Wooten's hotel once stood. They sold another lot nearby that same year.<sup>51</sup>

In the 1860 census, Gertrude Nolasco was listed as thirty-two-years old and living with two children. L.D. Nolasco was five years old and E. Wooten was four years old. Nolasco was

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50 Sale, Antonio Nolasco and Gertrude Nolasco to William B. Rucker, Book L, p. 504, March 6, 1855, Conveyance Records, WFP, La.; Sale, William B. Rucker to William F. Fort, Book L, p. 545, June 12, 1855, Conveyance Records, WFP, La.; Security against eviction, Book M, p. 417, January 20, 1858, Conveyance Records, WFP, La.

51 Sale, Gertrude Nolasco and Antonio Nolasco to Charles Stoer, Book M, p. 19, August 22, 1855, Conveyance Records, WFP, La.; Sale, Gertrude Nolasco to Jesse Barkdall, Book M, p. 280, March 13, 1857, Conveyance Records, WFP, La.; Sale, Antonio F. Nolasco and Gertrude Populus to Charles Hofman and Isaias Meyer, Book M, p. 451, February 18, 1858, Conveyance Records, WFP, La. (\$900); Sale, Gertrude and Antonio Nolasco to Conrad Bockel, Book M, p. 485, March 17, 1858, Conveyance Records, WFP, La. (\$900).

actually forty-seven years old by then. The children may have been children of a deceased son. Nolasco owned real estate valued at \$2,700 and personal property valued at \$5,400.<sup>52</sup> No occupation was listed for her.

Gertrude and Antonio Nolasco continued to sell the remainder of Wooten's property after the Civil War. In 1867, they sold a Bayou Sara lot to Edward Douglass. The clerk of court continued the tradition of indicating when a land purchase was made by someone other than a white person.<sup>53</sup> The clerk stated that Gertrude Nolasco was a free woman of color of the parish and Antonio Nolasco was a free man of color of the city of New Orleans. Their purchaser, Edward Douglass, was denominated a "Freedman" of the parish.

In March 1868, white Jake Mitchell sued Gertrude Nolasco for \$40.57. From April 26 through September 23, 1867, Nolasco had bought "various and sundry articles of provisions from him:" ham, rice, coffee, crackers, flour, and oats, costing \$76.62, and had paid less than half of her bill, \$36.05. Nolasco acknowledged that she owed the debt and was given an additional two months in which to pay. The 1870 census reported that Gertrude Nolasco, now only age thirty-seven, was living in West Feliciana Parish with two children, Leon Nolasco, age sixteen and Ella Nolasco, age fourteen. Nolasco had aged five years while the children living with her had aged ten. She was a schoolteacher and the children attended school. Her real estate was valued at \$3,000 and her personal property was valued at \$300.<sup>54</sup>

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52 Manuscript Census, 1860, WFP, La. ancestry.com.

53 Sale, Gertrude Nolasco and Antonio Nolasco to Edward Douglass, Book O, p. 639, October 8, 1867, Conveyance Records, WFP, La.

54 Jake Mitchell v. Gertrude Nolasco, Civil Suit no. 2205 (La 7th Jud. Dist. Ct. March 24, 1868); Manuscript Census, 1870, p. 12, WFP, La. ancestry.com.

In 1872, Gertrude and Antonio sold another lot to Conrad Bockel. The price paid was only \$10. Gertrude Nolasco must have gotten her divorce by this time, as she was listed as a single female of full age. The clerk did not indicate that Gertrude and Antonio were free people of color.<sup>55</sup> The Nolascos sold Wooten's last two lots in 1872.<sup>56</sup> All of Wooten's land holdings in West Feliciana Parish had now been reduced to cash.

In August 1872, Gertrude Nolasco purchased six acres near St. Francisville from the heirs of De La Fayette Stocking. Stocking had been Nolasco's agent after her mother died and had purchased the six acres from Maria Wicker in 1857. He and Nolasco probably lived there from 1857 until his death in 1872. By October 1872, Nolasco had leased the land to white Alfred Gastrill for \$25 per month, providing her with a monthly income.<sup>57</sup>

In 1900, Nolasco was living in Baton Rouge with her granddaughter, Angela Taylor. She gave her age as seventy-three and her month of birth as April 1827. She declared herself a widow who had had two children, one of whom was dead. She stated that her father had been born in Spain, not Italy, and her mother had been born in the West Indies, not in Virginia. Nolasco was a schoolteacher who could read and write and owned her home free of a mortgage. Her

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55 Sale, Gertrude and Antonio Nolasco to Conrad Bockel, Book M, p. 485, March 17, 1858, Conveyance Records, WFP, La. (\$900); Sale, Gertrude and Antonio Nolasco to Conrad Bockel, Book Q, p. 251, January 7, 1872, Conveyance Records, WFP, La. (\$10).

56 Sale, Gertrude Nolasco and Antonio Nolasco to Benjamin Blanton, Book O, p. 376, October 19, 1872, Conveyance Records, WFP, La.

57 Sale, Heirs of De La Fayette Stocking to Gertrude Nolasco, Book Q, p. 347, August 12, 1872, Conveyance Records, WFP, La.; Sale, Maria Wicker to De La Fayette Stocking, Book M, p. 239, January 13, 1857, Conveyance Records, WFP, La.; Lease, Gertrude Nolasco to Alfred F. Gastrill, Book Q, p. 371, October 4, 1872, Conveyance Records, WFP, La.



granddaughter had been born May 1882 and, at age eighteen, was still single. She also could read and write.<sup>58</sup> Gertrude Nolasco died in Baton Rouge on May 6, 1902, at age eighty-nine.<sup>59</sup>

The 1880 Census lists fifty-eight-year old Antonio Nolasco living in New Orleans with his thirty-eight-year old wife, Annie. Living with them were Geraldine and Ella Nolasco, ages twenty and fourteen, and John and Jennie Wellington, ages twenty-three and twenty-two. Antonio Nolasco was a barber. Nolasco died in New Orleans from sarcoma, a cancer, on January 11, 1889, at age seventy-two.<sup>60</sup>

Wooten began her life enslaved and was used by the men who owned her and had complete power over her. By age twenty-two, she had had one child and was pregnant with another. The father of her second child took her into his home and arranged for her to own and operate a tavern which would serve to support and enrich her and to enable her to make additional purchases of land and people. Her role in conditioning him to commission her purchase cannot be known. Wooten could neither read nor write, but she was proactive in securing her future. With her freedom after the death of the Nolasco brothers, she became the mistress of her own fate. She managed a well-regarded hotel and restaurant and managed a large farm.

When Wooten had difficulty claiming the estate left to her children, she consulted an attorney who filed suit on her behalf. After the Louisiana Supreme Court ruled in her favor, the estate administrator resigned, and John Morris was appointed. The wealthy merchant facilitated property sales for her and may have gifted her with those properties. He died after what the Louisiana Supreme Court considered a concubinage relationship with her. We cannot know if he

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58 Manuscript Census, 1900, East Baton Rouge Parish, La. ancestry.com.

59 Judy Riffel, ed., *City Birth and Death Registers for the City of Baton Rouge, Louisiana 1874-1918* (Baton Rouge, La.: La Comite' des Archives de la Louisiane, 2001), 149.

60 Manuscript Census, 1880, New Orleans, La. ancestry.com.

chose her or she chose him. Whether he came to her hotel ill and sought care or came to her hotel for her and got ill while there will remain a mystery. Conveyance records show property transactions not romantic interactions. It is probable that he made lifetime gifts to her, especially because he left nothing for her in his will. We know that Wooten left property, both real estate and enslaved people, for her children to use or sell at their leisure. We know that she left a reputation as a formidable woman who handled her business despite her limited literacy.

Kesiah Middleton, 1795 -1840

On March 31, 1825, white Antonio Piccaluga purchased Kesiah Middleton. He paid \$220 in partial payment for her and owed \$230 more.<sup>61</sup> Piccaluga operated a flatboat that served as a grocery store and boarding house for the local community and for vessels traveling up and down the Mississippi River. He probably purchased Middleton to help him run the store. Kesiah Middleton had once been enslaved by the mother of white James and Thomas Fair. In 1831, the Fair brothers recorded a statement saying that they had known her for about twenty years because their mother had held her in slavery. That would place Middleton in West Feliciana Parish in 1811. Their mother, Sarah Fair, who died in 1825, owned only four people in 1820, three males and one female. James and Thomas Fair would know and recognize Kesiah Middleton. Middleton was probably sold in the settlement of their mother's estate.

Piccaluga emancipated Middleton in 1827 and wrote in her act of emancipation that she was over age thirty and was now: "authorized to act and demur herself as free persons are entitled

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<sup>61</sup> Receipt, March 31, 1825, Succession of Antonio Piccaluga, Box 79, Succession Records, WFP, La.

to do agreeably to the Laws of this State.”<sup>62</sup> In the 1830 census, Middleton appears in Piccaluga’s household as a free woman of color between the ages of thirty-six and fifty-five. Piccaluga’s age was between forty and fifty. Although she was now free, Middleton stayed in Piccaluga’s household, but she did not bear him children.

In Piccaluga’s November 1832 will, he declared that he had no wife, no children, and no living relations that he knew of. He left all his property to Middleton noting that she had “rendered him important services, and [had] conducted herself as to entitle her to his gratitude and friendship.”<sup>63</sup> He designated her his sole and only heir. She, apparently, had been helpful in managing his store. When he died in 1833, Middleton accepted his succession which included the flatboat, with groceries and furniture in place, his household goods valued at \$458.30, and a lot valued at \$50.<sup>64</sup>

Shortly after Piccaluga’s death, Im La Keep sued Middleton for \$123. Keep claimed that he had been Piccaluga’s attending physician during his last illness, December 6, 1832, through January 6, 1833. Because Middleton was Piccaluga’s only heir, Keep wanted her to pay the costs of Piccaluga’s last illness out of the monies she received from his estate. Keep alleged that Piccaluga had stayed with him for 27 days before his death, and that Keep had provided him with food, firewood, pantaloons, and a handkerchief. In addition, Keep had seen to Piccaluga’s decent burial.

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62 Statement of James and Thomas Fair, Book D, p. 195, March 2, 1831, Conveyance Records, WFP, La.; Act of Emancipation, Book D, p. 195, October 2, 1827, Conveyance Records, WFP, La.

63 Will, Succession of Antonio Piccaluga, November 17, 1832, Box 79, Succession Records, WFP, La.; Book E, p. 135, Conveyance Records, WFP, La.

64 Kesiah Middleton accepts the succession of Antonio Piccaluga, Book E, p. 136, January 22, 1833, Conveyance Records, WFP, La.; Petition, January 22, 1833, Succession of Antonio Piccaluga, Probate Record Book 6 1832-1837, p. 243, WFP, La.

In Middleton's answer, she argued that Keep had not been called to care for Piccaluga but had offered his services on his own accord. According to Middleton, Keep had come to see Piccaluga uninvited. He promised to cure Piccaluga and had promised that Piccaluga would not be charged for any medical care if he was not cured. Piccaluga agreed to go with Keep to the country where Keep lived on those terms. Middleton admitted that Keep had permitted Piccaluga to live in one small building belonging to Keep, a building that previously had been occupied by people Keep had enslaved. Middleton also admitted that Keep had provided one cord of firewood not costing more than five dollars to Piccaluga and had provided Piccaluga with a worn-out cravat not worth 12½ cents.

White Jonathan Ellsworth provided testimony in favor of Middleton. Ellsworth had been present when Keep offered to care for Piccaluga and when Keep promised he would not charge Piccaluga if Piccaluga was not cured in five weeks. The court believed Middleton and Ellsworth and ruled against Keep for the medical costs, but it rendered judgment against Middleton for \$36 to pay for Piccaluga's burial.<sup>65</sup> It is not clear why Ellsworth was at Piccaluga house when Keep arrived. They may have been friends or business acquaintances. Ellsworth testified in support of Middleton and against Keep, then remained in contact with her.

After Piccaluga's death, Middleton employed white Samuel Stevenson as her clerk to manage the flatboat's business for her and agreed that he would receive half the profits from his sales. When she asked him to provide an accounting to her, he refused. When she asked him to leave, he, again, refused. Middleton filed suit and obtained a court injunction that instructed him

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<sup>65</sup> *Im La Keep v. Kesiah Middleton*, Civil Suit no. 508 (La. 7th Jud. Dist. Ct. April 2, 1834). (Petition, March 13, 1833, Answer, June 28, 1833, Answers to Interrogatories, July 10, 1833). Found in Dart (Elisabeth K.) Collection, Mss. 5023, Folder 125, LLMVC, LSU.

to leave. Stevenson left and Middleton dismissed the suit. In February 1834, Middleton sold the flatboat and its contents to white Cecilia A. Thompson for \$800.<sup>66</sup>

In May 1834, Middleton purchased a Bayou Sara lot from Ellsworth for \$300. She paid in cash. Two years later, Middleton and Ellsworth together purchased about eight unimproved acres of land on Cat Island in the Mississippi River near Bayou Sara for \$2,000. Middleton used her Bayou Sara lot as security for the purchase, and she and Ellsworth stretched their payments over the next two years. Middleton signed her name to the act. Ellsworth was a brickmaker and Middleton became his partner in the brickmaking business. They lived together on their land, and their mortgage was paid in full by 1837. Middleton sold her Bayou Sara lot a few months later. She had purchased it in 1834 for \$300 and sold it to white John Riley in 1837 for \$850.<sup>67</sup>

In 1838, Ellsworth transferred his one-half interest in the Cat Island property to Middleton, making Middleton the sole owner of the property. In 1839, with Ellsworth acting as her agent, Middleton sold the property for \$4,000. White Narcisse Carmouche paid \$800 down and promised to pay \$800 each year for the next four years. Middleton died in April 1840 after a long and lingering illness diagnosed as dropsy. Mary Blackburn was paid \$50 from Middleton's estate for attending to her corpse and aiding in cleaning her house.<sup>68</sup>

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66 Petition, Kesiah Middleton v. Samuel Stevenson, Civil Suit no. 1332 (La. 3rd Jud. Dist. Ct. July 30, 1833); Sale, Kesiah Middleton to Cecilia A. Thompson, Book E, p. 211, February 7, 1834, Conveyance Records, WFP, La.

67 Sale, Jonathan Ellsworth to Kesiah Middleton, Book E, p. 247, May 12, 1834, Conveyance Records, WFP, La. (Bayou Sara Lot 95, square 8 for \$300); Sale, Jean Pierre Ledoux to Jonathan Ellsworth and Kesiah Middleton, Book F, p. 176, November 7, 1836, Conveyance Records, WFP, La.; Release of mortgage, Book F, p. 544, February 20, 1839, Conveyance Records, WFP, La.; Sale, Kesiah Middleton to John Riley, Book F, pp. 227-228, March 6, 1837, Conveyance Records, WFP, La.

68 Succession of Kesiah Middleton, August 19, 1840, Box 68, Successions Records, WFP, La.; Sale, Kesiah Middleton to Narcisse Carmouche, Book F, p. 542, February 18, 1839,

White Doctor Samuel A. Jones, who had been Middleton's physician, white James Fair, the son of her former enslaver, and Ellsworth all applied to become the curator of her estate. The judge appointed Doctor Jones because his application had been filed first. The court also appointed local white attorney Cyrus Ratliff to look for any relatives of Middleton. The inventory of Middleton's estate included the three notes owed by Carmouche valued at \$2,400, household goods and personal items, and her free papers.<sup>69</sup> Ellsworth disputed the inventory of the household goods and claimed that he owned some of the property inventoried as belonging to Middleton. The judge allowed Ellsworth to keep the property he claimed, recognizing that Middleton and Ellsworth had been living together and had intermingled their personal property.

Ellsworth also gave an account of the business partnership he had had with Middleton and asked to be reimbursed for medical bills he had paid on her behalf over the prior two years while she was ill. He asked for the costs he incurred in sending her to New Orleans for medical care and for supporting her while she was there. In support of Ellsworth's claims, white Samuel Vanderhoofs testified that Ellsworth and Middleton had been business partners and agreed with Ellsworth's business accounting.<sup>70</sup> White Thomas Turner testified that Ellsworth had lost a great deal of time from his work attending to Middleton during her illness. Four different doctors submitted claims against Middleton's estate for the medical attention they had provided.<sup>71</sup>

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Conveyance Records, WFP, La.; Succession of Kesiah Middleton, August 19, 1840, Box 68, Successions Records, WFP, La.

<sup>69</sup> Inventory, Succession of Kesiah Middleton, April 3, 1840, Box 68, Succession Records, WFP, La.

<sup>70</sup> Testimony, Succession of Kesiah Middleton, Box 68, Succession Records, West Feliciana Parish, La. (April 25, 1840).

<sup>71</sup> Succession of Kesiah Middleton, Box 68, Succession Records, West Feliciana Parish, La. (April 25, 1840) (Doctor Samuel Jones: \$276.25; Dr. R.H. Horn: \$100 for consulting with Jones; Dr. William Lyle: \$175; Dr. George W. Smith: \$28.50).

Middleton's medical expenses consumed two-thirds of her estate. She had had three operations and many, many doctor's visits. Ellsworth had no difficulty finding doctors to examine and provide care for Middleton; they were not dismayed that she was a free woman of color or that she was a business partner of Ellsworth. Intimate relationships between white men and women of color were readily accepted and medical care was available regardless of skin color. After Jones collected the money owed to Middleton and paid Middleton's debts, her estate was worth only \$1,489.94.

On July 31, 1841, Ratcliff appeared with Hannah Bettis who claimed to be a maternal aunt of Middleton. As her nearest relative, Bettis would be entitled to the remainder of Middleton's estate. In addition, Bettis objected to some of the payments Jones had approved, particularly the \$100 paid to R. H. Horn for consulting with Jones. Jones argued that Bettis was not free so could not inherit Middleton's property.<sup>72</sup> A person still enslaved had no right to inherit. Bettis produced a copy of the will of John Bettis which directed that Hannah Bettis was to be emancipated one year and six months after his death.<sup>73</sup> In 1847, the court ruled that Bettis was free at the time of Middleton's death and could inherit Middleton's property. It ordered Jones to pay to Bettis \$1,281.75 with interest at five percent from September 10, 1841, until paid.<sup>74</sup> Jones didn't pay. Instead, he moved to Caddo Parish, Louisiana, and Bettis had to pursue him there to collect.

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<sup>72</sup> Judith Schafer has pointed out that white people often used other legal disputes to raise the issue of the free status of litigants of color. Judith Kelleher Schafer, *Becoming Free, Remaining Free*, 101.

<sup>73</sup> Will of John Bettis, Succession of Kesiah Middleton, Box 68, Succession Records, West Feliciana Parish, La. (June 30, 1833).

<sup>74</sup> Judgment, Succession of Kesiah Middleton, Box 68, January 23, 1847, Succession Records, West Feliciana Parish, La.; Civil Suit no. 246 (La. 7th Jud. Dist. Ct. January 23, 1847). (Judge J. Weems recused himself in the Probate Court case no. 262 and appointed Thomas Butler as special judge to hear the case. Letter, Butler Family Papers, July 13, 1843, Mss. 1026, Box 3c, folder 49, LLMVC, LSU. Jones was entitled to a small commission for handling the succession.

Bettis's 1847 judgment was recorded in Caddo Parish on November 3, 1855, and Jones finally gave Bettis a mere \$150 to satisfy her claim to Middleton's property.<sup>75</sup> Middleton had been dead almost sixteen years by then.

Middleton did not have a choice when she was purchased by Piccaluga, but, once she sold the flatboat he had left her, she had \$800 in her pocket. She could have caught a steamer north and left Louisiana, but she stayed. Louisiana had been her home for most of her life and she may have been reluctant to leave it. She may have already begun her relationship with Ellsworth and been reluctant to leave him. Ellsworth may have been anxious to use her resources as start-up money for his brickmaking project or she may have suggested that the parish had a need for bricks and Ellsworth agreed to help her start that business. Her story is atypical in that she shared her life with two different white men and had no children for either one of them. Children had often been the catalyst for men to emancipate their mothers. She proffered no children but was given her freedom anyway. The care Ellsworth exhibited in taking her for medical attention, and the fact that their personal belongings were intermingled, suggested that, despite the absence of children, their relationship was not only a business relationship.

Middleton's aunt, Hannah Bettis, showed unexpected tenacity in pursuing Dr. Jones to Caddo Parish for her inheritance. Free people of color expected fair treatment from the state's courts and expected court decisions to be obeyed. Bettis may have settled for \$150 because Jones could not afford to give her more.

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<sup>75</sup> Sale, Hannah Bettis to Samuel Jones, Book M, p. 104, March 3, 1856, Conveyance Records, WFP, La.



Maria Battiste Wicker, 1812-1867

On May 26, 1842, Maria Battiste Wicker purchased her freedom and the freedom of three of her children, eleven-year old Bettis, four-year old William, and two-year old John, from Daniel Wicker.<sup>76</sup> The act of sale recites a “consideration of the sum of Twelve Hundred Dollars, cash to me in hand paid, the receipt of which I hereby acknowledge” but does not say who paid the cash. Wicker may have moved the money from his right hand to his left. Or it may be that no money changed hands at all. The recitation of a dollar amount probably masked a manumission as a sale. In 1850, Louisiana’s census taker recorded that Maria, Bettis, William, and John were still living in Daniel Wicker’s household, as were two younger children, Rachel Martha Wicker and Benjamin Wicker, who were born free.<sup>77</sup> Louisiana’s 1825 Civil Code prohibited people who lived together in open concubinage from making gifts to one another.<sup>78</sup> The substantial consideration recited as payment for the emancipation of Maria and her children ensured that their freedom would not be considered a gift from a paramour to a concubine. The emancipation would not be reversed by Daniel Wicker’s creditors or his heirs.

In 1845, when Maria Battiste purchased a lot in Bayou Sara, she paid \$350 down and owed \$350. To enable her to make that purchase, Daniel Wicker, her former enslaver and the father of her children, endorsed her note as surety for her payment. Wicker, who worked as Ellen Wooten’s overseer in 1848, died of yellow fever in 1853. A notation in white Lewis Sterling’s Plantation

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<sup>76</sup> Act of Emancipation, Book H, p. 238, May 26, 1842, Conveyance Records, WFP, La.

<sup>77</sup> Manuscript Census, 1850, Bayou Sara, WFP, La; Roll: M432-231; p. 255A; image: 190 ancestry.com.

<sup>78</sup> La. Civ. Code art. 1468 (1825, repealed 1987) (“Those who have lived together in open concubinage are respectively incapable of making to each other, whether inter vivos or mortis causa, any donation of immovables; and if they make a donation of movables, it can not exceed one-tenth part of the whole value of their estate.”).

Diary recorded that twenty people in Bayou Sara died of yellow fever that summer.<sup>79</sup> Battiste used his name, Wicker, as did her children.

Maria Wicker ran a boarding house and restaurant business on the Bayou Sara lot she had purchased and bought adjoining land in 1856. By 1855, Wicker had earned from her boarding house and restaurant business the \$1,669 she needed to purchase her second and third sons, Albert, 24, and Edward, 20, who were then in New Orleans. She had appointed John Holmes of New Orleans as her agent to search for them. Holmes located them and had John Valentine of New Orleans purchase them and hold them until Wicker could pay their purchase price.<sup>80</sup> Now that their price was paid, she was reunited with her sons as their enslaver. Wicker did not emancipate these sons because an 1855 state law would require her to file a lawsuit against the state of Louisiana to secure their emancipation. In addition, she would have had to post a \$1,000 bond as security to get permission for them to remain in the state.<sup>81</sup> In 1857, the state legislature prohibited all emancipations.<sup>82</sup> Wicker did not want to risk being separated from her sons. Instead, Wicker gave them “full permission to hire themselves out, as servants or otherwise in hotels, on board Steam

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79 Sale, Martha Morris to Maria Battiste, Book I, p. 183, December 31, 1845, Conveyance Records, WFP, La. (Lot 17, square 10 for \$350); “Yellow Fever: Calm Reflection,” *Bayou Sara Ledger*, February 18, 1854; Plantation Diaries, Thursday, September 15, 1853, Sterling (Lewis and Family) Papers, Mss. 1866, LLMVC, LSU

80 Sale, Isaias Meyer and Phillip Adolphus to Maria Wicker, Book M, p. 70, January 19, 1856, Conveyance Records, WFP, La. (26 feet 11 inches fronting on Point Street, 119 feet back adjoining a lot she already owns and that of Henrietta Coleman for \$430); Sale, John Valentine to Maria Wicker, Book L, p. 551, June 13, 1855, Conveyance Records, WFP, La.; Appointment of agent and attorney in fact, Book L, p. 544, June 11, 1855, Conveyance Records, WFP, La.

81 1855 La. Acts p. 377, § 71.

82 1857 La. Acts p. 55, no. 69. (“no slave shall be emancipated in this state”)

Boats or other places where their vocation may call them” and to keep any money received from their work.<sup>83</sup> That was as close to free as she could get them and still keep them near her.

In 1857, having united her family, Wicker formally acknowledged her eight children: Bettis, twenty-seven, Albert, twenty-six, Edward, twenty-two, William, nineteen, John, seventeen, Rachel Martha, twelve, Ben Franklin, ten, and Andrew, one. Three of her children had been freed with her when she was freed, two had been born to her after she was freed, and as she continued to live with and have children by Daniel Wicker, and two were her property.<sup>84</sup> The paternity of Andrew, born three years after Daniel Wicker died, is unclear.

In 1856, Wicker had enough cash on hand to act as a real estate holding company for Ann Savage. In 1851, Savage had purchased six acres on the bluff on the right going from St. Francisville downhill to Bayou Sara. In 1856, after she married Edward Purnell, she sold the land to Maria Wicker so that Savage and Purnell could leave town. Six months later, Wicker sold the land to white De La Fayette Stocking.<sup>85</sup> Stocking would live there with Gertrude Nolasco until his death. Wicker had purchased land she did not need as a courtesy to Savage, and held onto it only until she could sell it.

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83 Permission to Pass, Book M, p. 416, December 29, 1857, Conveyance Records, WFP, La.

84 Acknowledgement of maternity, Book M, p. 383, October 29, 1857, Conveyance Records, WFP, La. (all of mulatto color); Appointment of agent and attorney in fact, Book L, p. 544, June 11, 1855, Conveyance Records, WFP, La.; Sale, John Valentine to John Holmes as agent for Maria Wicker, Book L, p. 551, June 13, 1855, Conveyance Records, WFP, La.; Sale, John Valentine to Maria Wicker, Book L, p. 551, June 13, 1855, Conveyance Records, WFP, La.

85 Sale, Henderson C. Hudson to Ann Savage, Book K, p. 301, September 23, 1851, Conveyance Records, WFP, La. (\$300); Sale, Anna E. Savage to Maria Wicker, Book M, p. 173, July 2, 1856, Conveyance Records, WFP, La. (\$1350); Sale, Maria Wicker to De La Fayette Stocking, Book M, p. 239, January 13, 1857, Conveyance Records, WFP, La. (\$1350).

According to the 1860 Census, all five of Wicker's children worked as waiters. She was listed as a Dairy Woman, with \$1,500 in real estate and \$600 in personal property. Her business survived the Civil War and in letters to their nephew in Rhode Island, both George F. and William R. Greene, who were white, proclaimed their pleasure at eating in Wicker's Hotel. In 1866, George wrote: "Ate an excellent dinner at Maria Wicker's Hotel . . . Maria is an old darky, and she keeps a first-rate house, and she thinks a 'heap' of us as William has stopped there so often."<sup>86</sup> In 1867, William wrote: "I left my baggage at the Railroad Depot and proceeded to the modest hotel of Aunt Maria Wicker's, which is a model of neatness and good living, and as we have been liberal patrons of Aunt Maria's (especially in my courting days) she always takes particular care of us."<sup>87</sup> William Greene had come to the parish many times to visit his intended bride.

At her death in December 1867, Wicker owned Bayou Sara lot 103 in square 9, with a house and improvements on it, including a cistern valued at \$450. She owned a \$20 cooking stove, six cane-bottom chairs, other chairs, and three tables. She had a sideboard, a looking glass, straw carpets, a portrait of Henry Clay, an eight-day clock, and a featherbed, mattress, and \$12 bedstead. She owned a book stand with books and a pony, buggy, and harness.<sup>88</sup> Her personal property was valued at \$633.25. She left behind four grown sons, William, who had moved to St. Louis, Missouri, Bettis, Albert, and John, and two minor sons, Ben and Andrew. Her daughter, Rachael Martha Wicker, had died at age fourteen in 1858.<sup>89</sup> Her son Edward may have also died.

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<sup>86</sup> Manuscript Census 1860, WFP, La. ancestry.com.; Greene Family Correspondence, October 14, 1866, Misc. G., Mss. 4508, LLMVC, LSU.

<sup>87</sup> Greene Family Correspondence, April 5, 1867, Misc. G., Mss. 4508, LLMVC, LSU.

<sup>88</sup> Inventory, Succession of Maria Wicker, May 12, 1868, Box 115, Succession Records, WFP, La.

<sup>89</sup> Parish Register A+, p. 220, September 29, 1858, Grace Episcopal Church, St. Francisville, La.

In 1866, Albert Wicker leased four lots in Bayou Sara for \$60 per month for two years beginning August 1 hoping to start another restaurant business. He agreed to vacate the property at end of any month should white Abraham Levy of New Orleans, his lessor, find a buyer for the property. Levy agreed to not sell the land during the first year of the lease. In March 1867, Wicker purchased a lot in Bayou Sara for \$2,000, but he sold the property for the same price in June 1867.<sup>90</sup>

In 1880, Albert Wicker was living on Custom House Street in New Orleans with his wife, Frances, who had been born in Alabama. His brothers, John and Benjamin, and his children, Maria and Albert, lived with them. The three men worked on steamboats. The children were in school.<sup>91</sup>

Maria Battiste Wicker had had children to feed. Although she did not voluntarily enter into her relationship with Wicker who was significantly older, she gave birth to his children and needed to see them fed. Watching her two sons being sold away from her probably motivated her to convince Wicker to buy her and set her free, perhaps with a promise to stay with him afterwards. As an overseer, Daniel Wicker was not a wealthy man. Maria Wicker saw an opportunity to use her skills to better care for her family. After Daniel's death, she carried on, earning the money to purchase the sons who had been separated from her. She took care of her children until they were grown and then the older children took care of the younger children. She had taught them the value of family.

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<sup>90</sup> Lease agreement, Abraham Levy to Albert Wicker, Book O, p. 252, 446, July 16, 1866, Conveyance Records, WFP, La.; Sale, Robinson Mumford to Albert Wicker, Book O, p. 469, March 26, 1867, Conveyance Records, WFP, La.; Sale, Albert Wicker to Thomas Butler, Book O, p. 530, June 1, 1867, Conveyance Records, WFP, La.

<sup>91</sup> Manuscript Census, 1880, New Orleans, La. [ancestry.com](http://ancestry.com).

## George Douse, 1790-1843

At some time before 1831, George Douse settled in West Feliciana Parish with his wife and two children who had been born in Philadelphia. He worked as a steward on the steamer *Brilliant*, a passenger boat that traveled weekly carrying mail and passengers between Bayou Sara Landing and New Orleans. Complying with the 1830 statute, Douse declared himself “a free man of Colour, aged Forty-One Years, this 9<sup>th</sup> day of March 1831, of Yellow complexion, a mariner by trade, born in the City of Philadelphia, in the State of Pennsylvania, in the year Ninety.”<sup>92</sup>

On May 25, 1831, Douse purchased three *arpents* of land on the Woodville Road about three and a half miles north of St. Francisville. The land was bounded on the north by lands he had earlier purchased and on the east by land belonging to white Charles McMicken, a land speculator and merchant. Douse used his land to construct *Orange Hill*, an inn and “house of entertainment frequented by plantation gentry.”<sup>93</sup> Woodville Road, now U.S. Highway 61, runs from New Orleans in Louisiana, to Wyoming, Minnesota. Anyone traveling from Baton Rouge or St. Francisville would pass Douse’s property on their way to Natchez, Port Gibson, or Vicksburg in Mississippi. Where Nelly Wooten’s inn catered to river and railroad traffic, while inviting all who would come, Douse’s *Orange Hill* catered to a more demanding clientele, those who were traveling by road and the financially elite who could afford what he had to offer.

Douse’s *Orange Hill* served three meals a day with champagne, ice cream, Havana cigars, and brandy available. It could provide lodging for travelers and boarding for horses. In addition to

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92 Declaration of free status, Book D, p. 235, June 14, 1831, Conveyance Records, WFP, La.

93 Sale, Henry Bains to George Douse, Book D, p. 233, May 25, 1831, Conveyance Records, WFP, La.; Elisabeth Kilbourne Dart, “Douse, George, planter, taverner,” Glenn R. Conrad, ed., *A Dictionary of Louisiana Biography* 1 (Lafayette: Louisiana Historical Association, 1988) 254.

serving travelers, *Orange Hill* was a favored site for dinners, parties, and balls. A February 1836 letter to white Lewis Sterling, Jr., the owner of Wakefield Plantation, mentions two parties at Douse's, one of which was well attended and one which was forthcoming. The Feliciana Volunteers Fire Department held a July 4<sup>th</sup> dinner there in 1836. White diarist Bennet H. Barrow went to a ball there on April 9, 1839, and declared it "dull for want of good music." He noted in July of the following year: "preparations for great doings at Douce's to day Barn dance" and commented that he would not go. He did attend "a party given by John Harbour at Douce's" and found it well-attended and very pleasant.<sup>94</sup> Barrow had complained that people in the parish submitted to amalgamation in its worse form, but he was not reluctant to patronize businesses owned by people of color.

On July 5, 1831, Douse purchased "1 Negro Boy Named Simon for \$550. . . to be a Slave for Life," and, on March 6, 1832, he purchased a "Negro man named Mike, aged about 50 years, slave for life, for \$125."<sup>95</sup> Douse probably used their help running his inn. In 1837, white Henry Baines in New Orleans wrote to his wife in West Feliciana Parish: "Chickens are very hard to get and expensive here, you had better send a few down by Douse and anything else you think of that would be of service."<sup>96</sup> Douse was known to travel with some frequency from Bayou Sara to New

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94 Statement of Account dated at Orange Hill, Nov. 28, 1838, Succession of Robert Haile, January 30, 1844, Claim no. 56, Box 43, Succession Records, WFP, La.; Anne M. Lobdell to Lewis Stirling, Jr., February 1836, Stirling (Lewis) and Family Papers, Mss. 1866, LLMVC, LSU.; Succession of Robert Haile, Claim no. 56, January 30, 1844, Box 43, Succession Records, WFP, La.; Barrow, Diary, p. 98, April 10, 1839; Barrow, Diary, p. 182, July 4, 1840; Barrow, Diary, p. 206, December 23, 1840.

95 Sale, William Massingill to George Douse, Book D, p. 267, July 5, 1831, Conveyance Records, WFP, La.; Sale, Edward H. Barton to George Douse, Book D, p. 374, March 6, 1832, Conveyance Records, WFP, La.

96 Henry Baines to his wife, March 8, 1837, Baines (Henry and Family) Papers, Mss. 1209, LLMVC, LSU.

Orleans, perhaps to collect supplies for his restaurant, and was trusted to reliably transport the property of his neighbors.

In 1835, Douse paid Charles McMicken \$500 cash for about four acres of land adjacent to land he already owned. Then, in 1837, Douse purchased an additional 22½ acres of land, also from McMicken. For this sale, McMicken required a mortgage that included not only the property Douse had just purchased but all of the property Douse owned. Douse renovated and enlarged *Orange Hill*, placing 88 feet of brick pillars beneath it and adding a double brick chimney 31½ feet high. His bricklayer charged him for 3,850 bricks and three barrels of lime. Douse spent more than \$400, for flooring plank, weather boards, shingles and other building materials at the firm of Barclay and Tenney, lumber salesmen in Bayou Sarah Landing.<sup>97</sup>

However, Douse chose to expand at the wrong time. The Panic of 1837 caused the price of cotton to drop precipitously as the nation entered a major depression that would last for seven years. In November 1837, Ann Lobdell, the daughter of wealthy plantation owner Sarah Turnbull Stirling, and the wife of wealthy lawyer and plantation owner John Lobdell of West Feliciana Parish, wrote to her brother in New Haven, Connecticut, asking him to “try to be very economical.” She explained that her father had a good crop, but it was selling badly because the prices were not

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<sup>97</sup> Sale, Charles McMicken, to George Douse, Book E, p. 348, February 18, 1835, Conveyance Records, WFP, La.; Sale, Charles McMicken to George Douse, Book F, p. 208, February 18, 1837, Conveyance Records, WFP, La.; William Cooke v. George Douse, Civil Suit no. 1707 (La. 3rd Jud. Dist. Ct. July 26, 1837). (The note attached to petition in suit to collect a debt dated April 19, 1837, totaled \$171.35. Suit dismissed at Cooke’s request December 25, 1837.); Barclay & Tenney v. George Douse, Civil Suit no. 1708 (La. 3rd Jud. Dist. Ct. July 26, 1837). (The record of account, dated June 10, 1837, showed purchases from March 24 to May 23, 1837, totaling \$411.55. Suit dismissed at the request of Barclay and Tenney December 25, 1837.)



high. She concluded: “Papa has some heavy debts to pay.”<sup>98</sup> Douse also had some heavy debts to pay. With bank closures and bankruptcies, he had few patrons and had difficulty paying his vendors. Two of his vendors sued him and alleged that Douse was “on the eve of leaving the state forever.” They asked the judge to stop Douse from leaving the parish before he paid them what he owed. Douse did eventually pay these two vendors and their cases brought against him were dismissed at their cost.<sup>99</sup>

Also, in 1837, Douse hired an enslaved woman named Nancy from Charles McMicken for 12 months. Douse agreed to provide her with clothes and to pay her physician’s bills. His promissory note for one year of her services was due on January 1, 1838. When he failed to pay for Nancy’s services, McMicken filed a lawsuit to collect. He asked to be paid for Nancy’s services and he foreclosed on the mortgage Douse had given him on Douse’s property, including *Orange Hill*. The property was appraised at \$5,000. In March 1842, at the sheriff’s sale, McMicken purchased the land, Simon, and Mike for \$2,300. The Sheriff noted ten other more recent mortgages that burdened Douse’s property.<sup>100</sup> Douse had overextended himself and, when his business slowed, he could not meet his obligations.

Douse remained at *Orange Hill* even after his property was sold. On April 2, 1842, Douse sent a note from *Orange Hill* to white Sidney Flowers, Jr. asking that Flowers pay Douse the \$2.50

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98 A. M. Lobdell to brother, November 17, 1837, Box 1, folder 9, Stirling (Lewis and Family) Papers, Mss. 1866, LLMVC, LSU

99 William Cooke v. George Douse, Civil Suit no. 1707; Barclay & Tenney v. George Douse, Civil Suit no. 1708.

100 Charles McMicken v. George Douse, Civil Suit no. 1951 (La. 3rd Jud. Dist. Ct. May 31, 1839); Parish sheriff seized a tract of land on Woodville Road 34 93/100 arpents with improvements, Book H, p. 174, January 28, 1842, Conveyance Records, WFP, La.

he owed for a bottle of Madera wine.<sup>101</sup> No longer landowners, George and Eliza Douse arranged for white Brisbane Marshall, who bought and sold lots in Bayou Sara, to execute for them an affidavit of their freedom.<sup>102</sup> Douse probably met Marshall on the Mississippi River when Douse worked on the steamboat, *Brilliant*. Marshall had helped to organize the Bayou Sarah Steam Boat Company in June 1830 and may have been Douse's employer at one time.<sup>103</sup>

George and Eliza wanted documentation of their long-term Louisiana residency and wanted proof of their free status to protect them in the face of statutes designed to prevent free people of color from entering and remaining in the state.<sup>104</sup> George and Eliza Douse were aware of the ease by which they could be reduced to slavery. In his statement, Marshall declared that he knew Douse had come to the parish as a free man in 1824 with his wife, Eliza, and his two sons, John T. and George P. He knew that Richard, Elizabeth, and Daniel had been born in the parish since 1824, and that Amanda had been buried on August 22, 1840, at age seven, at Grace Episcopal Church.<sup>105</sup> According to Marshall's statement, Douse and his family had not entered Louisiana after January 1, 1825 in violation of the 1807 statute that prohibited the entry of free people of

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101 Original note in Elisabeth Kilbourne Dart files, West Feliciana Parish Museum, St. Francisville, La.

102 See, generally, Vendor and Vendee Indexes to Conveyances H to O, from 1811 to June 30, 1974, Conveyance Records, WFP, La. See, for example, Book D, p. 142, October 4, 1830, and Book E, p. 4, January 21, 1833.

103 Incorporation of Bayou Sarah Steam Boat Company, Book D, p. 364, Act of June 16, 1830, recorded April 5, 1832, Conveyance Records, WFP, La.

104 1830 La Acts "An Act to prevent free persons of colour from entering into this State, and for other purposes." 1842 La. Acts 123. "An Act more effectually to prevent free persons of color from entering into this state, and for other purposes."

105 Affidavit of free status, Book H, p. 244, September 1, 1842, Conveyance Records, WFP, La.

color so they were permitted to remain in the state. Douse died September 6, 1843, and his children moved to New Orleans.

John Douse died in New Orleans in 1856; George Douse died in New Orleans in 1863. Elizabeth Douse married Edward Townsend and lived in New Orleans until 1923. After enrolling in New Orleans as a free person of color in 1859, Richard Douse moved to Baton Rouge where he worked as a plasterer. On September 11, 1862, at age twenty-six, Douse, enrolled in the Louisiana Native Guards and was mustered into that military unit on October 12, 1862, as First Sergeant, Company C, 2nd Regiment Louisiana Infantry, Native Guards, Free Colored.<sup>106</sup> In January 1863, Douse's Company C was sent to Ship Island, off the coast of Mississippi, where it constructed batteries, mounted nine-inch guns, built bombproof magazines, guarded Confederate prisoners, and worked to maintain the post. It saw combat on April 8, 1863, in East Pascagoula, Mississippi, after raising a United States flag on the roof of a hotel. Douse received a glancing gunshot wound during the battle and carried a one and one-half inch scar on his right hand as evidence. Douse remained in service and on duty until November 14, 1865, then returned to Baton Rouge and to his occupation as a plasterer.<sup>107</sup>

On April 1, 1872, B.T. Beauregard, Collector of Internal Revenue for the Second Collection District in Louisiana, appointed Douse deputy collector for the United States Internal Revenue Service and assigned him to collect revenue in Avoyelles and East and West Feliciana

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<sup>106</sup> Enlistment Paper, Richard Douse Service Record, United States Colored Troops, 74th Infantry, General Records, Old Army, Record Group 94, National Archives, Washington, D.C.

<sup>107</sup> Company C, Record of Events for 74th USCI 547; Surgeon's Certificate, Pension File of Richard Douse, File no. C 2536643, Civil War and Later Pension Files, Records of the Veterans Administration, Record Group 15, National Archives; Manuscript Census, 1870, East Baton Rouge Parish, La., p. 18 ancestry.com.

Parishes located north and northwest of Baton Rouge. Beauregard resigned his position effective May 19, 1873, ending Douse's tenure as deputy.<sup>108</sup> On December 31, 1872, Douse married Ann Maria Purnell, the daughter of Thomas and Mary Purnell, formerly of West Feliciana Parish.<sup>109</sup> They had three children, John, Richard, and Mary Douse.

Enticed by his earlier mariner travels to West Feliciana Parish, George Douse moved there with his family to set up a first-class establishment for a wealthy clientele. He used his experience as a steward on a steamer to develop a popular venue for both parties and travelers. He knew which wines and cigars to buy and how to please his customers. His early success generated an optimism that led him to indebtedness and then to the eventual loss of his business. His failure was not due to bad service, but to bad timing. Fallen cotton prices led to a precipitous decline in his business at a time when he had just incurred a significant load of debt. The loss of his house of entertainment probably contributed to his death. His children moved to New Orleans and to Baton Rouge after his death.

#### Drury Louis Mitchell, 1793-1864

In 1830, when he registered as a free person of color, six-feet tall Drury L. Mitchell declared himself: "well known in this parish as a reputable and useful man, and a carpenter by his

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108 An Act to provide Internal Revenue to support the Government, to pay Interest on the Public Debt, and for other Purposes. 38th Cong., Ch. 173, §. 10 (June 30, 1864) permits the employment of Collectors and Deputy Collectors to collect the revenue due the United States under the act. Certificate of appointment, Hatfield papers, Amistad Research Center, Tulane University.; Undated letter of resignation to J.W. Douglass, Commissioner, from B.T. Beauregard, Record Group 56, Treasury Dept., Entry 258.

109 Diocese of Baton Rouge Archives, *Catholic Church Records* 12 1871-1873, p. 54 (1992) (Richard Douse, son of George Douse and Elyza Pukett married December 1872 to Anne M. Purnell, daughter of Thomas A. Purnell and Mary Armstrong). Richard Douse became the grandfather of Charles Hatfield who first brought the free people of color in West Feliciana Parish to my attention.

profession and trade.”<sup>110</sup> His declaration said that he had lived in the parish since 1816. In an 1827 statement filed in 1844, white Matthew Edwards, Sr., a resident of West Feliciana Parish, stated that Mitchell, then about thirty-four years old, had been born in the Abbeville District of South Carolina of free parents. Edward’s son, Matthew Edwards, Jr., reported that he knew Mitchell’s mother was a free woman living in South Carolina, and that he had gone to school with Mitchell when they were boys.<sup>111</sup>

In 1833, Drury L. Mitchell bought seventeen acres of land on Woodville Road, then the main north-south thoroughfare between Baton Rouge and Natchez. In 1836, Mitchell sold less than an acre of that land to white John West and, in 1838, Mitchell purchased another six acres adjacent to what he already owned giving him about twenty-three acres of land on Woodville Road. When the West Feliciana Rail Road Company wanted to lay their tracks across his land, Mitchell sold only a total of 9,518 square feet crossing through his property, twenty-five feet on each side of the line where the railroad would lay its tracks.<sup>112</sup>

A master carpenter, Mitchell worked on business structures and on plantation homes. Both white people and free people of color hired him for their carpentry work. In 1830, Mitchell built a two-story framed building in Bayou Sara for white John Swift. The upstairs became a tavern while

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110 Declaration of Free Status, Book C, pp. 333-334, June 15, 1830, Conveyance Records, WFP, La.

111 Declaration of Free Status, Book H, p. 538, April 12, 1827, filed February 27, 1844, Conveyance Records, WFP, La. John Chavis of North Carolina taught both free black people and free white people for over thirty years. Franklin, *The Free Negro in North Carolina*, 224.

112 Sale, Charles McMicken to Drury L. Mitchell, Book E, p. 78, April 11, 1833, Conveyance Records, WFP, La.; Sale, Drury L. Mitchell to John West, Book F, pp. 44-45, February 3, 1836, Conveyance Records, WFP, La.; Sale, Charles McMicken to Drury L. Mitchell, Book F, p. 364, March 6, 1838, Conveyance Records, WFP, La.; Sale, Sale, Drury L. Mitchell to West Feliciana Rail Road Company, Book G, p. 153, July 28, 1840, Conveyance Records, WFP, La.

the downstairs was used for storage. Mitchell charged Swift \$1,000 plus an additional \$436.51 for extra work done on the thirty-foot by fifty-foot structure. Swift complained about the work Mitchell had done and refused to pay him. When Mitchell sued Swift to be paid, the court concluded that Mitchell had done the job satisfactorily and that his charges were fair. The court ordered Swift to pay Mitchell but offset the amount Swift owed to Mitchell by the \$96.02 debt Mitchell had accrued at Swift's store. In 1832, Mitchell built the house of entertainment for George Douse. Mitchell charged Douse for four gallery posts, four doors and five windows, framing, flooring, and shingling. When Douse was slow to pay, Mitchell sued. Douse and Mitchell amicably settled the lawsuit and it was dismissed after a few months.<sup>113</sup>

In 1840, Mitchell charged white Charles McDermott, a lumber salesman, \$4,000 to build a gin house and mill and charged \$315.24 to build McDermott a hewed log house. When McDermott was slow to pay, Mitchell sued. The court ruled in Mitchell's favor, and the sheriff seized McDermott's property and sold it to pay the debt to Mitchell.<sup>114</sup> Mitchell was also a defendant in lawsuits when he did not pay a promissory note or a supplier's bill promptly. Often, when sued, he simply failed to appear in court and a default judgment was entered against him.<sup>115</sup>

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113 Bill, D.L. Mitchell to Pierce Butler, November 7, 1860, Box 5, folder 7, Butler Family Papers, Mss.1026, LLMVC, LSU; Drury L. Mitchell v. John Swift, Civil Suit no. 1315 (La. 3rd Jud. Dist. Ct. May 6, 1833); Swift and Cascaden v. Drury L. Mitchell, Civil Suit no. 1260 (La. 3rd Jud. Dist. Ct. May 11, 1837); Drury L. Mitchell v. George Douse, Civil Suit no. 1455 (La. 3rd Jud. Dist. Ct. March 26, 1835).

114 Drury L. Mitchell v. Charles Mc Dermott, Civil Suit no. 2300 (La. 3rd Jud. Dist. Ct. April 23, 1840); Drury L. Mitchell v. Charles Mc Dermott, Civil Suit no. 2418 (La. 3rd Jud. Dist. Ct. November 24, 1840).

115 Thomas Duval v. DL Mitchell, Civil Suit no. 534 (La. 3rd Jud. Dist. Ct. April 9, 1828); John C. Morris v. DL Mitchell, Civil Suit no. 439 (Parish Court, WFP, La. April 5, 1831); Collins Blackman v. Drury L. Mitchell, Civil Suit no. 440 (Parish Court, WFP, La. March 10, 1831); David A. Barclay v. Drury L. Mitchell, Civil Suit no. 1386 (La. 3rd Jud. Dist. Ct. December 20, 1834); John West v. Drury Mitchell, Civil Suit no. 2744 (La. 3rd Jud. Dist. Ct. May 7, 1842).

These court decisions and his occasional difficulty paying his debts did not stop people from loaning him money. Nor did it stop people from employing him to work for them.

Mitchell was well-respected and had enough work that he made use of apprentices. In 1835, white Phillip Piper bound a nineteen-month-old mulatto boy named Ruffin to Mitchell to learn carpentry. Henry Oconnor and John Chervis, both seventeen years old, apprenticed with him to learn the art of carpentry and gin wright for three years. By 1847, Oconnor was able to purchase six arpents of land and purchase his wife and five children out of slavery. John Chervis fell from a horse in 1851 and died from the fall. In 1838, Mitchell added twelve-year old Hardesty Chervis. In permitting that apprenticeship, the judge characterized Mitchell “as a fit and proper person to be the master of said boy.”<sup>116</sup> When Hardesty Chervis died in 1849, he owned carpenter planes and a handsaw. In his 1841 will, white Moses Horn directed that his “colored Boy” should remain with Drury Mitchell until March 1845 and then would be free.<sup>117</sup> The boy was probably Horn’s son sired with an enslaved woman. Mitchell was considered good at his craft and worthy of trust. The community’s high regard for Mitchell led to his selection as the under tutor to guard against the waste of the estate Lewis Hutchinson inherited when his mother died.

In 1838, when free woman of color Leucy Hutchinson died, she left behind one child, Lewis Hutchinson, and property valued at \$2,315.31. She held in slavery one mulatto man, Bob,

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116 Act of Emancipation and apprenticeship, Book E, p. 403, May 26, 1835, Conveyance Records, WFP, La; Apprenticeship authorization, Book E, p. 361, March 14, 1835, Conveyance Records, WFP, La; Sale, William Harriet Mathews to Henry Oconnor, Book I, p. 373, June 3, 1847 (Ann, 32, yellow; and children of Ann: John 9, yellow; Henry 7, yellow; Sarah 4, yellow; Mitchel 3, yellow; Emily 7 mos. for \$1,000); Parish Register Book A, p. 324, July 8, 1851, Grace Episcopal Church, St. Francisville, Louisiana; Apprenticeship authorization, Book F, p. 379, January 23, 1838, Conveyance Records, WFP, La.

117 Inventory, September 6, 1849, Succession of Hardesty Ghervis, Box 102, Succession Records, WFP, La.; Will of Moses Horn, July 1, 1841, Box 43, Succession Records, WFP, La.

valued at \$1,000 and one Negro woman, Charlotte, valued at \$800 both of whom she had purchased from Lewis C. Hutchinson, the father of her child.<sup>118</sup> She owned Bayou Sara Lot 304 valued at \$75; the right to lease a plot of land for three years ending 30 April 1841 valued at \$100; and a rifle, a shot gun, a musket, house logs and cords of wood, four smoothing irons, silver tea spoons, fine decanters, champagne glasses, a gold heart, two pair of earrings, a breast pin, and a chain strung with coral beads.<sup>119</sup>

White Lewis C. Hutchinson declared that he was the natural father of Leucy Hutchinson's son, born January 4, 1836, and sought to be recognized as the tutor for his son and to be authorized to manage the estate left to him. Mitchell was appointed as Hutchinson's under tutor to ensure that Hutchinson did not waste the property. By August 1839, Mitchell had lost all confidence in Hutchinson. Mitchell filed a petition with the court asserting that Hutchinson was "totally incapable of administering the estate" and alleging that Hutchinson was insolvent and was "a man of wasteful, extravagant + depraved habits."<sup>120</sup> He argued that Hutchinson was trying to dispose of his son's property without the court's permission. The court allowed Mitchell, a free man of color, to give this testimony against Hutchinson, a white man, and sided with Mitchell. By April 1840, Hutchinson had left town. Mitchell told the court that Hutchinson left the state to avoid criminal prosecution, and Mitchell was named tutor for the minor child. By then, Hutchinson's

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118 Sale, Lewis C. Hutchinson to Leucy Hutchinson, Bills of Sale I, p. 212, December 8, 1837, WFP, La.

119 Inventory, January 29, 1838, Succession of Leucy Hutchinson, Box 42, Succession Records, WFP, La.

120 Acknowledgement of paternity, Book F, p. 483, January 8, 1839, Conveyance Records, WFP, La.; Petition of Drury Mitchell, August 13, 1839, Box 42, Succession Records, WFP, La.



estate was valued at only \$790.<sup>121</sup> Mitchell had taken his responsibility seriously and was not too timid to go before a judge to condemn a white man for his malfeasance. His reputation in the community and the factual accuracy of his assertions caused the court to accept his arguments and to rule against Hutchinson. Mitchell was not as successful when handling his own affairs.

The Panic of 1837 and the years afterwards impacted everyone in the parish. With less income, there was less for anyone to spend on new construction or on renovations. In 1843, Mitchell filed for bankruptcy. He surrendered the twenty-three acres of land on Woodville Road with its improvements, two ploughs, and a small stock of hogs to pay his debts. White John C. Morris purchased the property for \$325.00 at the sheriff's sale. In 1844, Morris sold the property back to Mitchell for \$756.82, payable in two payments: \$372.21 due January 1, 1845, and \$384.61 due January 1, 1846. In 1846, Mitchell sold the land to Ann Maria Gray for \$900.<sup>122</sup>

Mitchell's name did not appear in the 1850 Census. By 1860, Mitchell was living with Clara Simms, a midwife, W. Leslie, a carpenter, and two carpenter apprentices, T. Cook and M. Piper, in Bayou Sara.<sup>123</sup> He continued to work. Mitchell built Hampton Whitaker's *China Grove Hotel* and billed him for framing, shingling, flooring, columns, and handrails. He presented white plantation owner Pierce Butler with a bill for twenty-six days of labor at \$2.50 per day for work done at Butler's house. He also charged for the labor of five apprentices, Thomas, Alphrable, Washington, Ephram, and Joseph, each of whom worked fewer days and earned less pay per day

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121 Inventory, December 4, 1841, Succession of Leucy Hutchinson, Box 42, Succession Records, WFP, La.

122 Sale, D.L. Mitchell to John C. Morris, Book H, p. 397-399, May 1, 1843, Conveyance Records, WFP, La.; Sale, John C. Morris to D.L. Mitchell, Book H, p. 569, March 9, 1844, Conveyance Records, WFP, La.; Sale, D.L. Mitchell to Maria Ann Gray, Book I, p. 218, February 27, 1846, Conveyance Records, WFP, La.

123 Manuscript Census, 1850, 1860, WFP, La. ancestry.com.

than Mitchell. In 1861, white plantation owner Ann Butler paid Mitchell \$1,159 on one occasion and \$200 on another for work done on her house.<sup>124</sup>

Mitchell died in January 1864 leaving no known descendants or collateral relations to accept his succession and leaving no immovable property. His estate included two claims for work he had done and for which he had not yet been paid valued together at \$1,550.<sup>125</sup> Because he had no heirs, after his estate representative was paid, his estate was turned over to the state.

Mitchell came into West Feliciana Parish already free. He brought with him skills he had developed elsewhere and found them useful in his new community. His talent and integrity went unquestioned, but his fortunes were tied to those of the community. When it prospered, he prospered; when it did not, he suffered along with it. He faced obstacles well-known to any carpenter – getting business and getting paid for his work.

William Chew, Ellen Wooten, Kesiah Middleton, and Maria Wicker all began their lives enslaved. Each had some initial support from the men who had enslaved them, but, once free, they controlled their own destinies. They chose different paths but all managed to operate businesses as free people of color in a slave state. William Chew and Maria Wicker who had been separated from their children, prioritized locating and reuniting with them. Ellen Wooten was less concerned about the daughter she left behind but did, eventually, rescue her granddaughter and great-grandson from slavery. Middleton, apparently, had no children. Both Wooten and Middleton, after

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124 D.L. Mitchell v. W.W. Leake, agt. for H. Whitaker, Civil Suit no. 1474 (La. 7th Jud. Dist. Ct. March 7, 1861); Bill, D.L. Mitchell to Pierce Butler, November 7, 1860, Box 5, folder 7, Butler Papers, Mss. 1026, LLMVC, LSU; Receipts from Mitchell, March 5, 1861, Box 5, folders 13 and 16, Butler Family Papers, Mss.1026, LLMVC, LSU

125 Inventory, February 12, 1866, Succession of Drury Mitchell, Box 65, Succession Records, WFP, La. (A claim against A. Szabo for \$1,562.71 was valued at \$1,200; a claim against the Estate of Ann Swift for \$350 was valued at \$300 for a total of \$1,550 in Mitchell's estate.)

being gifted their freedom from one white man, acquired as their partner another white man. Wooten chose a man of great wealth, consistent with her personal acquisition of wealth. Middleton chose an acquaintance of her former enslaver who benefitted from her financial assistance to him.

George Douse and Drury L. Mitchell were born free. They moved into the parish then used the skills they brought with them to contribute to the parish's economy. They both suffered financially from the Panic of 1837, but so did many people in the nation. They also were able to operate their businesses with some degree of success.

West Feliciana Parish provided an environment in which these six people of color could flourish. The color of their skin was not an impediment to their success. Although most chose to offer services compatible with the kinds of labor white people expected people of color to perform, no caste system existed that relegated particular tasks to people with particular skin colors. Even as their businesses grew and their incomes soared, they were dependent on the white community for patronage. White patronage sustained them because there were too few free people of color in the parish to support these businesses.

None of these entrepreneurs challenged the institution of slavery and, in fact, some of them purchased enslaved people to help them in their businesses. A few of them sold their businesses to white purchasers. Their stories are atypical in that they left a substantial record of their life events, but they are typical in that they demonstrate the contributions free people of color made to the West Feliciana Parish community and the willingness of the West Feliciana Parish community to accept them.

## Chapter 7. The Beginning of the End

The environment that allowed free people of color to thrive in West Feliciana Parish changed radically in the 1850s. Louisiana's legislators began the year by authorizing the Governor to send a stone to represent the state in the Washington Monument which was then under construction. Per their instructions, the inscription on the stone would read: "The State of Louisiana, ever faithful to the Constitution and the Union."<sup>1</sup> This patriotism evaporated as politicians in Louisiana increasingly envisioned the Union as a threat to slavery. The animosity white people directed at abolitionists spilled over onto free people of color who were made to feel unwelcome and left the parish in droves. Those who stayed receded into the background. Up until the 1850s, there had been no separate free people of color community in the parish, and white people and free people of color lived side by side and regularly interacted with one another. That openness in the community dissipated in the 1850s and 1860s. After the war, free people of color were excluded from the post war recovery, politically, socially, and economically. In the post-war eyes of most white people in the parish, West Feliciana Parish's free people of color became indistinguishable from people of color who had not been free before the war.

The flight of free people of color from the parish was part of an overall movement away from the parish. From 1850 to 1860, the total population of the parish fell almost 12 percent, from 13,245 to 11,671. The population of enslaved people dropped by 10 percent, and that of free white people dropped nearly 18 percent. The largest drop in population, however, was among the free

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<sup>1</sup> 1850 La. Acts. 260 no. 353.

people of color. In 1860, there were nearly 40 percent fewer free people of color in the parish than had been there in 1850.<sup>2</sup>

Table 2. West Feliciana Parish Population Loss, 1850 - 1860

	1850	1860	percent loss
White	2,473	2,036	-17.67
Free	106	64	-39.62
Enslaved	10,666	9,571	-10.267
Total	13,245	11,671	-11.88

A variety of factors contributed to the parish’s overall drop in population. Additional factors motivated free people of color to leave. The area had been beset by yellow fever in 1853, 1854, and 1855. Flooding had decimated Bayou Sara in 1856 when the levee broke. The financial panic of 1857 crushed many hopes and dreams. Landownership and the ownership of enslaved people became the privilege of fewer and fewer people; smaller farmers and merchants floundered. West Feliciana Parish was one of the wealthiest parishes in the state, but that wealth was concentrated in fewer and fewer hands and was heavily invested in slavery. In 1850, eighty-four percent of the families in the parish held at least one person in slavery. In 1860, only seventy-nine percent of them did. The prosperity of the 1850s was not shared widely.<sup>3</sup> Inklings of class

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2 Manuscript Census, 1850, 1860, WFP, La.

3 Yellow fever struck Bayou Sara in February 1854. By September, 130 of the 300 permanent inhabitants had died from the fever. “Yellow Fever: Calm Reflection,” *Bayou Sara Ledger* February 18, 1854, and September 10, 1854; Fourteen inches of rain measured in Baton Rouge caused the levee to break in Bayou Sara. *Star of the North* (Bloomsburg, PA) August 20, 1856; Harry L. Coates, “Some Notes on Slave Ownership and Land Ownership in Louisiana,” *Journal of Southern History* 9, no. 3 (August 1943): 381-394, chart on 385; In his study of West Feliciana planters in 1850 to 1860, Wattine Frazier noted that the planters enslaving 50 or more people controlled the agricultural, financial, and political life of the parish. They controlled from behind the scenes before 1850 but openly controlled political activity 1850 to 1860. Wattine Frazier, “The Great Planters in West Feliciana Parish, 1850 to 1860,” (master thesis, LSU, 1969), 173.

antagonism began to be heard as smaller landowners became increasingly aware of their relative poverty.

At the same time, the national anti-slavery movement gained momentum and aggressiveness. The Compromise of 1850 admitted California to the Union as a free state but enhanced the Fugitive Slave Law to such an extent that kidnapping became common. Outrage fueled the sectional divide and slaveholders rose to defend their property rights. In 1852, Harriet Beecher Stowe published *Uncle Tom's Cabin*, further galvanizing the anti-slavery movement. That same year, firmly convinced that free people of color were a threat to the institution of slavery, Louisiana's legislature required that any person released from slavery had to leave the state within twelve months, unless the legislature specifically permitted that person to remain. In 1857, emancipation in the state was forbidden altogether, and free people of color became objects of disdain.<sup>4</sup> To defend slavery and to fend off class hostility, slaveholders focused attention on the differences between free white people who could anticipate improving their lot and enslaved black laborers who could not. Even the poorest white person could look with contempt upon a person bound in perpetuity to labor for another. Free people of color had no place in that dichotomy.<sup>5</sup> In 1857, the *Dred Scott* decision from the United States Supreme Court gave legal sanction to notions

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4 1852 La. Acts 214-215; 1957 La. Acts 5, no. 69; According to Brasseaux, Fontenot, and Oubre, white hostility to free blacks crystallized in the 1850s. Many free people of color left southcentral Louisiana under threats of violence. Brasseaux, Fontenot, and Oubre, *Creoles of Color in the Bayou Country*, 81.

5 Roger W. Shugg, *Origins of Class Struggle in Louisiana: A Social History of White Farmers and Laborers during Slavery and After* (Baton Rouge: Louisiana State University Press, 1966), 30-33, 161. Shugg explained that Louisiana had no overt class hostility because of slavery. White people in power associated slavery with skin color and kept the lower-class white people ignorant of how the government advantaged large landowners and merchants but did little for other citizens of the state. By attributing a value to whiteness, wealthy white people in control of the state created a basis for comradeship with white members of the lower classes that forestalled class hostility.

of white supremacy and local politicians added to the discomfort of free people of color in the parish.<sup>6</sup>

In the 1840s, Robert C. Wickliffe, whose father had been Governor of Kentucky, married into the parish's politically active Dawson family and moved to St. Francisville.<sup>7</sup> In 1856, he became Governor of Louisiana after serving in the state senate. He was a strong defender of slavery and advocated ridding the state of free people of color whose presence, he believed, undermined the institution.<sup>8</sup> It was during his administration that emancipation in the state was prohibited. It was during his administration that free people of color were permitted to enslave themselves.<sup>9</sup> In his final message to the General Assembly of the state, Wickliffe bemoaned the failure of state legislation designed to prevent free people of color from entering the state despite the fact that those measures had been quite effective. The number of free people of color in Louisiana in 1850

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6 *Dred Scott v. Sandford*, 60 U.S. 393 (1857). Chief Justice Roger Taney wrote that people of color were not citizens of the United States and added, gratuitously, that a black man had no rights that a white man must respect.

7 In 1843, Wickliffe married Anna Dawson, daughter of Louisiana congressman John Bennett Dawson and the niece of Louisiana Governor Isaac Johnson. John Dawson had been a judge in the parish before his election to Congress. Wickliffe and Anna Dawson moved to St. Francisville in 1846, after John Dawson's death. William H. Adams, "Governor Robert Wickliffe," Louisiana State Museum, <https://64parishes.org/entry/robert-charles-wickliffe>, accessed August 9, 2020.

8 Clayton Cramer has argued that increasing numbers of free people of color in the slave states became an embarrassment to supporters of slavery who argued that people of color were naturally suited to slavery and not capable of managing as free people. Cramer, *Black Demographic Data*, 27. Edmund Morgan believed free people were more dangerous than enslaved people because they had rising expectations that, when frustrated, produce rebellion. Freeman with disappointed hopes could make common cause with enslaved men. Morgan noted that the Virginia assembly deliberately fostered contempt of white people for people of color and Indians. Morgan, *American Slavery, American Freedom*, 309, 328, 331.

9 1857 La. Acts 55, no. 69; 1858 La. Acts 214, no. 275.

was 17,462 and had grown only to 18,647 by 1860 while the number of white people in the state had grown from 255,491 to 354,456 during that decade.

In his speech, Wickliffe condemned the practice of allowing enslaved people to hire themselves out. He described that “pernicious custom” as “extending to them liberties and privileges totally inconsistent with their proper condition and good government.” He continued: “The influence of such example on our slave population is most ruinous, and should be checked by the most stringent laws, made to reach both master and slave.”<sup>10</sup> Wickliffe was willing to punish white people for allowing their enslaved people to exercise a bit of independence. It was inevitable that his feelings about people based solely on their skin color would discourage free people of color from remaining in his home parish. In 1850, twenty-nine households in the parish were headed by free people of color; in 1860, only sixteen were. In 1850, thirteen households headed by white men had free people of color present in them; in 1860, only four did. Free people of color were no longer considered an integral part of the West Feliciana Parish community. Their presence was no longer generally accepted and forty percent of them left. As the country moved towards war, the position of those who remained in the community became precarious.

It is impossible to know whether the free people of color in the parish supported the Union or the Confederacy during the war. Those who stayed kept their thoughts to themselves. Most white people in the parish, highly dependent on the slave-labor system, were decidedly pro-Confederate and anxious to help with the war effort.<sup>11</sup> If free people of color held pro-Union

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10 Robert C. Wickliffe, “Annual Message of Robert C. Wickliffe, Governor of the State of Louisiana, to the General Assembly,” *Louisiana History: The Journal of the Louisiana Historical Association* 1, no. 4 (Autumn, 1960): 365-379, 373-374. <https://www.jstor.org/stable/4230601>.

11 In 1832, after the Nullification Crisis, President Andrew Jackson warned: “disunion by armed force is treason.” Nonetheless, West Feliciana’s residents considered war against the United States to protect slavery as early as 1836. In 1828, the Army Corps of Engineers sent



sentiments, they would not draw attention to themselves. Only three of the sixty-four free people of color in the parish in 1860 were or had been slaveholders. Gertrude Nolasco, Maria Gray, and Josephine Gray had held only a few people in slavery each. Many of the free people of color in the parish had been enslaved themselves and were unlikely supporters of the institution. It is probable that they hoped for a Union victory, but it was dangerous for them to say so out loud.

There is some evidence to suggest that free people of color in the parish were pro-Union. Two of the young men who grew up in the parish but left before the war did join the Union cause. Richard Douse, whose family moved to New Orleans in the 1840s, served the Union in Mississippi. As a member of the 2nd Louisiana Native Guard Infantry, he was stationed on Ship Island and received an injury fighting Confederate soldiers in East Pascagoula, Mississippi. John Purnell joined the 3rd Louisiana Native Guard Infantry and participated in the Union siege of Port Hudson, a well-defended Confederate stronghold ten miles south of Bayou Sara, and in the Red River Campaign. The valor of the Native Guardsmen at Port Hudson received national attention.

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William Henry Chase to fortify the Gulf Coast. Chase, a West Point graduate, was considered a very talented engineer. In 1836, Chase wrote a letter to his father-in-law, Judge George Mathews, presiding judge of the Louisiana Supreme Court and a resident of West Feliciana Parish, warning that the abolitionists were not prostrate but “crouching for another spring.” He advised: “We of the South ought not to trust them, but to prepare for the worst, by urging appropriations for strong places of arms such as Forts, arsenals, navy yards, etc. on the South Atlantic and the Gulf of Mexico.” William Henry Chase to Judge George Mathews, February 8, 1836, Mathews – Ventress – Lawrason Papers, Box 3, folder 8, Mss. 4358, LLMVC. He suggested that the United States build another fort at Pensacola and a drydock there, and that it deepen the bar and build a levee on Red River at Alexandria, in Louisiana, anticipating their benefit for a Southern defense. In 1856, when Chase retired from the US Army, he remained in Pensacola. In 1861, he accepted an invitation from the State of Florida to become a Colonel in the Florida Militia. He demanded the surrender of Fort Pickens at Pensacola and when it was refused, he refrained from attacking it. He had built it and knew it was impenetrable. Southerners were willing to fight to protect their investments or, if not yet slaveholders, their prospects, in the slave-labor system. The chorus of the Confederate battle song, “Run, Yank, or Die” began: “Hurrah for slavery.” Confederate Battle Song, Baines (Henry and Family) Papers, Mss. 1209, folder 1861-1868, LLMVC.

After the Union Army captured Baton Rouge, Edward and Alexander Purnell registered to be drafted into its service.<sup>12</sup> Douse and Purnell survived the war but neither of them returned to West Feliciana Parish where Confederate sentiment had been strong.

West Feliciana Parish was an important center for Civil War activity. Completed in 1842, the West Feliciana Rail Road Company offered the Confederacy free transportation for military companies and free shipping for its war materials. The 28-mile track running northeast to Woodville, Mississippi, was built to ship cotton out of Mississippi, but now it could send food and other needed supplies into the state. Bayou Sara's Mississippi River port was primed to receive war materials for shipment via the railroad.

Because of its port, Union gunboats arrived in West Feliciana Parish early and stayed late. On August 10, 1862, the Union ironclad ram *Essex*, patrolling between Vicksburg and Baton Rouge, came to Bayou Sara looking for coal. Her arrival coincided with the stockpiling of a considerable store of supplies to be shipped by rail to Confederate troops. The supplies had been sent across the river from Pointe Coupee Parish and had not yet been loaded onto the train cars. Union Commodore William D. Porter seized the supplies as contraband of war, took what he wanted, and left a gunboat at Bayou Sara to guard the rest while he and his crew returned to Baton Rouge. On August 23, when Porter returned to Bayou Sara, both the gunboat and the supplies had been destroyed, and Union sympathizers in the parish had been molested. When Union forces disembarked from the *Essex*, they came under fire. Porter directed that all the buildings along the levee be burned to remove any hiding places for the Confederate guerillas. Hampton Whitaker's

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<sup>12</sup> U.S. Civil War Draft Register Records, Baton Rouge, 4:37 (1864), National Park Service, Soldiers and Sailors Database.

*China Grove Hotel* was among the buildings destroyed. On August 29, Union forces were again attacked, so Porter had the entire town of Bayou Sara burned down.

On May 22, 1863, General Banks unloaded his men at Bayou Sara on their way to Port Hudson, ten miles away. As they traveled south, Union troops foraged in the area. They took what they needed from whoever had it. Confederate forces and guerillas raided St. Francisville for supplies and shelled the Union Naval forces stationed in the Mississippi River just on the other side of the levee.<sup>13</sup> On June 30, 1863, and on January 9, 1864, in retaliation for Confederate activity in the area, Union boats fired on St. Francisville, damaging many buildings. The port that had been so important to the growth of wealth in the parish found itself supporting both sides in this divisive war. The chaos that ensued was costly for everyone in the parish. With two armies living off the land, West Feliciana Parish was left in dire straits. By the end of the war, the railroad locomotive had been dismantled for its copper and other metals, and the railroad, run by mule-power afterwards, had deteriorated.

White attorney Cyrus Ratliff died in 1860. After the war, his son, C. Henry Ratliff, explained what happened to his father's property: "The negro property was freed and stolen from the estate by the laws of the Federal Government. The personal property was stolen and carried away by the troops of the United States." The dwelling houses had been burned. All that remained was the land, the gin house, and a few "negro quarters."<sup>14</sup> When former governor and local attorney

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<sup>13</sup> Anne Butler & Helen Williams, *Bayou Sara – Used To Be* (Lafayette: University of Louisiana at Lafayette Press, 2017), 91-93, 96; Coastal Environments, Inc., *Route 61 Revisited* (La. Dept. of Transportation and Development Office of Highways, 2003), 34.

<sup>14</sup> Account of the Administration, Succession of Cyrus Ratliff, Box 85, Succession Records, WFP, La.; Book N, p. 333, April 25, 1860, Conveyance Records, WFP, La.

Robert Wickliffe asked for a declaration that white parish resident William Dalton was dead, he described the wartime environment in Bayou Sara:

During and near the close of the late war, . . . William Dalton suddenly and mysteriously disappeared and has never been heard of since. At the time of his disappearance, [he] resided about one mile and a half from the landing at Bayou Sara on the Mississippi River then occupied by the gunboats and other vessels of the United States. The Parish of West Feliciana, particularly the vicinity in which William M. Dalton resided, was alternately occupied by lawless bands of irresponsible bodies of men known as jayhawkers and many acts of rapine and bloodshed were committed.<sup>15</sup>

Wickliffe believed that Dalton was dead.

The free people of color who remained in the parish suffered along with their neighbors. In January 1864, both Drury Mitchell and George Chew, William Chew's son, died. Chew's funeral service was conducted by the rector of Grace Episcopal Church.<sup>16</sup> It is not clear whether or not their deaths were war related. Mitchell was sixty-four years old; Chew was fifty-seven. Mitchell left no wife or descendants, but Chew left behind a widow, Sylvia, who continued to live in the parish and a twenty-one-year old daughter named Mary. Fanny Hendrick died in Baton Rouge in 1865 leaving behind lots she owned in Bayou Sara and children and grandchildren in Bayou Sara and Baton Rouge. Before distributing her property to her heirs, the judge in St. Francisville had to determine whether Fanny intended a permanent move to Baton Rouge or whether she was living there with her daughter and son-in-law temporarily, just for the duration of the war.

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15 Petition of Robert Wickliffe, Succession of William Dalton, Box 27, Succession Records, (1880). Dr. William M. Dalton's November 26, 1859, will emancipated Susan and her children, James, Sarah, Thomas, and Samuel, and Susan's mother, Hannah. He left the remainder of his estate to Wickliffe after the people he freed were "comfortably provided for." In 1881, Susan Dalton sued Wickliffe to receive something from Dalton's estate. In 1878, Susan's son, Thomas Dalton, who had served as parish sheriff in 1876, was lynched.

16 Register A+, p. 224, January 9, 1864, Grace Episcopal Church.

Restaurant owner Henrietta Coleman provided testimony on that issue. She explained that Hendrick's property was burned in the Spring of 1861, the first year of the war. Hendrick never lived in Bayou Sara after that, although she did return from time to time to visit her son, William. Coleman testified: "When she left, she carried her cow and calf and furniture with her, and she never brought it back." Once repaired, Hendrick's residence was rented out or was shut up while she was in Baton Rouge. Coleman reported that, after Hendrick's daughter died, Hendrick had talked about returning to Bayou Sara but Hendrick herself died before she had the chance to return. The court accepted that Hendrick intended to return to Bayou Sara at the time of her death. Her stay in Baton Rouge was due to the war.

White Matthew Reilly had begun to administer Hendrick's estate and had sold some of her real estate even though she owed no debts that needed to be paid. Hendrick's heirs challenged Reilly's decision, and the court ruled that Riley's sale of Hendrick's property was improper. It reversed the sale.<sup>17</sup> Hendrick's children and grandchildren inherited her property. Hendrick's son, William A. Hendrick, died in 1867 leaving behind his wife, Josephine Thomas, and his son, William Feliz Hendrick, in Bayou Sara. Fanny Hendrick's other sons, James Tillotson and John Hendrick, lived in Baton Rouge as did her son-in-law, Alphonse Arbour, and two granddaughters, Fannie Ann and Mary E. Arbour, children of her deceased daughter. Her daughter-in-law, Josephine Thomas, continued to live in her Bayou Sara property. Thomas, like so many of her neighbors, tried to recover from the war.

Recovering from the war was not an easy task. The two armies battling in the parish had destroyed its economy. Capital had been exhausted in support of the war, and the agricultural

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<sup>17</sup> Testimony, Succession of Fanny Hendricks v Matthew Riley, Administrator, Civil Suit no. 538, (La. 7th Jud. Dist. Ct. March 27, 1868; Box 48, March 20, 1868, Succession Records, WFP, La.

workers were now free. West Feliciana Parish planters were concerned about finding the labor they needed to harvest their crops and restore their fortunes. Plantation mistress Emily Baines eloquently expressed the general sentiment: “Tis so hard to have to submit and give up our property and oblige to pay them wages.”<sup>18</sup> Planters John and Ann Lobdell had taken their enslaved laborers with them to Canton, Texas, during the war. Writing to her mother in 1865, Ann Lobdell complained that the laborers all wanted to go home. She worried that they would not stay with her and her husband after being transported back to Louisiana. She felt discouraged by the lost war and lamented: “They can never again talk of Southern chivalry. I feel that it is buried in the dust.”<sup>19</sup> Her husband negotiated a deal with the laborers. He promised to transport them back to Louisiana if they agreed to work for only food and clothing until January of the next year and then to work for another year for wages after they arrived home. Any laborers who did not agree would have to pay their own way back to Louisiana.<sup>20</sup>

Planter Scott McGehee of the parish promised his laborers one acre of land for their use as a church or school to keep them from leaving him.<sup>21</sup> He even supplied the lumber for the building. In early January 1866, Greenwood Plantation overseer Philip B. Key complained that his laborers had left during the holidays, “not so much for a fancied improvement in conditions, as it was with

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18 Emily Baines to Margaret Butler, January 11, 1865, Butler (Margaret) Correspondence, Box 1, folder 18, Mss. 1068, LLMVC, LSU.

19 Ann M. Lobdell to Sarah Turnbull Stirling, July 9, 1865, Box 2, folder 19, Stirling (Lewis) and Family Papers, Mss. 1866, LLMVC, LSU.

20 John Lobdell to his Aunt Nine, July 9, 1865, Box 2, folder 19, Stirling (Lewis) and Family Papers, Mss. 1866, LLMVC, LSU.

21 Scott McGehee to J. Burrus McGehee, August 6, 1879, Box 1, folder 5, McGehee (J. Burras) Papers, Mss, 1111, 1156, 1157, LLMVC, LSU.

the purpose to drive me into terms with them.”<sup>22</sup> The newly freed laborers knew that their cooperation was necessary for the recovery of the South and used the power that gave them to improve their lives. Those who employed them were not disappointed. Later in January 1866, overseer Key reported: “the conduct + good behavior of the hands is in remarkable contrast to the ways of the old set.” He assured Penelope Mathews, owner of Greenwood Plantation, that there was no limit to the amount of work that could be done.<sup>23</sup>

While most enslaved persons in West Feliciana Parish had been engaged in agricultural production, slaveholders also relied on unpaid labor for other tasks. In 1869, finally accepting the reality of her situation, resident Emily B. Maynard wrote to plantation mistress Margaret Butler: “I am learning to sew.”<sup>24</sup> Resident Harriet Mathuro told Butler: “This is the first time this week I have had a servant to send up to see how you all are.”<sup>25</sup> Plantation mistress Martha Turnbull complained to her diary: “When I ordered Celine to scrub my kitchen she walked off; Stepsy was impudent and would not cook; Augustus said he would not cut wood to put in my woodhouse.”<sup>26</sup> Disobedience became an option for paid laborers where it had not been for people enslaved. White people and people of color were adjusting to a new way of life.

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22 Philip B. Key to P. Mathews at Greenwood, January 6, 1866, Box 3, folder 4, Mathews – Ventress – Lawrason Papers, Mss. 4358, LLMVC, LSU.

23 Philip B. Key to P. Mathews at Greenwood, January 15, 1866, Box 3, folder 5, Mathews – Ventress – Lawrason Papers, Mss. 4358, LLMVC, LSU.

24 Emily B. Maynard to Margaret Butler, December 15, 1869, Box 1, folder 8, Butler (Margaret) Correspondence, Mss. 1068, LLMVC, LSU.

25 Harriet Mathuro to Margaret Butler, May 30, 1870, Box 1, folder 9, Butler (Margaret) Correspondence, Mss. 1068, LLMVC, LSU.

26 Martha Turnbull Diary 1837-1895, not dated, TS p. 30, Misc. T, LLMVC, LSU.

The officials who recorded property transactions also had to make an adjustment. They had been required by law to indicate when the buyer or seller of property was a free person of color. They wanted to continue to comply with the law after the war but were unsure about what the law now required. They decided to label people of color according to their prewar status. In 1866, when white Ellen Chadwick sold two lots in St. Francisville to Moses Lamb, he was labeled “a freedman of the parish.”<sup>27</sup> The recorder wanted to recognize a distinction between people of color who had been free before the war and those who had not. In 1867, when white Horace Hill leased property to William Brown and Bosen Green, they were labeled “freedmen,” but in the margin, the recorder wrote: “they being both free men of color.”<sup>28</sup> The recorder remained aware of and noted the earlier distinction between those newly freed and those who had been free before the war, but was unsure what labeling was proper.

In 1868, Sylvia Chew, the widow of George Chew, sold a lot on Prosperity Street to Dempsey and Ann Turner. The act of sale indicated that Sylva Chew was a free woman of color, that Dempsey Turner was a free man of color, but that Ann Turner was a freedwoman.<sup>29</sup> Chew and Dempsey had been free before the war; Turner had not. In 1872, at age sixty-two, Sylvia Chew leased her house and lot to Joseph W. Armstead for five years on condition that Armstead furnish

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<sup>27</sup> Sale, Ellen W. Chadwick to Moses Lamb, Book O, p. 130, February 26, 1866, Conveyance Records, WFP, La.

<sup>28</sup> Lease, Horace Mills to William Brown and Bosen Green, Book O, p. 398, January 1, 1867, Conveyance Records, WFP, La.

<sup>29</sup> Sale, Sylvia Chew to Dempsey Turner and Ann Turner, Book P, p. 73, March 4, 1868, Conveyance Records, WFP, La. Before his death, George Chew had been sexton at the Grace Episcopal Church, as his father had been. Dempsey Turner now had that position. The lot Turner and his wife purchased was adjacent to the church property. Turner died April 11, 1877, when one of Turner’s blood vessels broke while he was digging a grave.



her with her necessities of life and pay her taxes.<sup>30</sup> The transaction did not indicate the skin color or the prewar status of the parties. The law requiring this labeling had been repealed.

The recorders of property transactions had continued to distinguish antebellum free people of color from post bellum free people of color for a longer period of time than did other people in the state. An 1870 broadside from the People's and White Man's Reform Party made clear that it applied to "the Colored Race, born free or enfranchised." It read:

It is proposed to organize throughout the State of Louisiana a People's and White Man's Reform Party, which shall be; Opposed to Radicalism and to Negro Rule . . . . Opposed to any system of public education that may bring about the mingling of White and Black Children in the same schools . . . . In favor of White Immigration to the State . . . . Finally, to unite all true White Men in the state in one strong body . . . . It is distinctly understood in advance, that the objects of this party are to be carried out ONLY by peaceful and legal means; and that there is no intention whatever to interfere with the vested rights of the Colored Race, born free or enfranchised. . . . [The People's and White Man's Reform Party simply wanted] to prevent them from control.<sup>31</sup>

While acknowledging the historical distinction between people born free and those who were not, the People's and White Man's Reform Party advocated extinguishing that distinction and drawing a black/white line to separate white people from people of color rather than the free/enslaved line that had predominated in the parish prior to 1850. Free people of color were no longer to be perceived as individuals welcomed to become a part of the community. Instead, they

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30 Lease agreement, Sylvia Chew to Joseph W. Armstead, Book Q, p. 297, March 15, 1872, Conveyance Records, WFP, La. Cancelled May 6, 1872.

31 Ephemera I, People's and White Man's Reform Party Broadside Circular, New Orleans, February 1870, Mss. 3030, LLMVC, LSU. United States District Judge Edward Billings contended: "the hatred towards the former slave has not sprung from interest on the part of his former master but from self-reproach, the consciousness of having been in the wrong, from the rancor of seeing his former chattel emancipated and enfranchised." Edward C. Billings, "The Struggle between the Civilization of Slavery and that of Freedom, recently and now going on in Louisiana," An Address delivered at Hatfield, MA, October 20, 1873 (Freeport, NY: Books for Libraries Press, 1971), 8.

were to be perceived as a threat to the community, part of “the Colored Race” that interfered with control by white people. By opposing “the mingling of White and Black children in the same schools,” the People’s and White Man’s Reform Party precluded opportunities for their children to learn to distinguish members of “the Colored Race” from one another. They would not have personal relationships with people of different skin colors but, instead, be continually separated from them or have regulated interactions with them that would support white supremacy. By encouraging white immigration into the state, the party hoped to ensure a continuing numerical superiority of white people over people of color in the state. People of color now had a place in society outside of the everyday interactions of equals.<sup>32</sup>

People of color who had been free before the war were not traumatized by this new conception of their position in the local community. There had not been a large enough number of them in the parish to form a discrete free people of color community, and many of them were not far enough distant from their own enslavement to think of themselves as separate and distinct from people freed by the war. Many people of color who were free before the war had been enslaved themselves or had been born of newly freed mothers. They had not previously distanced themselves from people who had been enslaved but had interacted and intermarried with them once they were freed. In at least two cases, free men of color married enslaved women before they were freed. Henry Oconnor was married to Ann Griggs by the rector of Grace Episcopal Church almost nine years before he was able to purchase and free her. William Jones, who had been born

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32 An 1875 letter from J.R. Percy of Yazoo City, Mississippi expressed the white supremacist sentiment. “I hope Louisiana will fall in our wake at her next election. The people there must do as they do here . . . draw a good square color line, play bluff, talk big about Winchester rifles + etc. + let it appear to Mr. Darkey you don’t care a straw for him.” J.R. Percy to “Old Friend,” December 2, 1875, Percy (J.H.) Papers, Box 1, folder 13, Mss. 4759, LLMVC, LSU.

free in New York, married Ann Fair, three years before her enslavement officially ended. Before the war, Louisiana's laws sought to limit interaction between free people of color and enslaved people, but no legal or social prohibitions on interrelationships carried over to people after they were no longer enslaved. After the war, free people of color continued to choose marriage partners without regard to their previous condition of servitude. Perhaps the parish offered few choices otherwise or perhaps the distinction between free and freed didn't matter to them.<sup>33</sup>

Although large numbers of free people of color left the parish before or during the war, those with thriving businesses remained. Maria Wicker, who owned a restaurant and boarding house in Bayou Sara, remained in the parish with her family. In July 1866, her son, Albert Wicker, leased four lots in Bayou Sara, hoping to open another successful restaurant and boarding house. Maria Wicker died in December 1867 and, by 1880, Albert Wicker and two of his younger brothers were living in New Orleans.<sup>34</sup>

Henrietta Coleman continued to operate her restaurant and inn next door to Wicker's. In June 1876, federal officers investigating the lynching of thirty or so black men in the parish held interviews with parish residents at Henrietta Coleman's *Henrietta's House*.<sup>35</sup> *Henrietta's House*

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33 Sale, William Harriet Mathews to Henry Oconnor, Book I, p. 373, June 3, 1847, Conveyance Records, WFP, La. Henry Oconnor was married to Ann Griggs on May 12, 1838, by the rector of Grace Episcopal Church. *Grace Episcopal Church Marriage Records*, 274; Jones and Fair married January 5, 1837; Emancipation of Fair, Book G, p. 139, August 21, 1840, Conveyance Records, WFP, La.; Ira Berlin, *Slaves Without Masters: The Free Negro in the Antebellum South* (New York: Pantheon Books, 1974), 391. Berlin believed that most free people of color had ties by blood or marriage to those formerly enslaved.

34 Lease agreement, Abraham Levy to Albert Wicker, Book O, p. 252, July 16, 1866, Conveyance Records, WFP, La.; Manuscript Census, 1880, New Orleans, La.

35 Testimony in regard to alleged outrages in West Feliciana Parish, Louisiana, June 21, 1876, 44th Cong., 1st sess., LLMVC, LSU. White District Attorney William W. Leake testified that he knew that a large body of white men had hung several black men, but he believed that these hangings did not provide "an occasion for prosecution." He intended to make no effort to find out who killed them. *Ibid.*, 732. Robert Hewlitt testified that he resigned from the police jury

was both spacious enough and of high enough quality to accommodate the needs of those federal authorities. When Coleman died in 1877, none of her descendants lived in Bayou Sara. Her estate, valued at \$1,624.86, was left to her grandchildren, Henrietta Stuart in Kentucky, and Alexander Williams in Baton Rouge, children of her deceased daughter Sarah, and to her niece, Henrietta McMillan. Coleman was buried at Grace Episcopal Church in St. Francisville on June 10, 1877.<sup>36</sup>

Only one of Nelly Wooten's children remained in the parish. Her son, Antonio Nolasco had moved to New Orleans before Wooten died and remained there until he died on January 11, 1889, at the age of seventy. In 1870, Gertrude Nolasco, her daughter, lived on six acres of land just outside of St. Francisville with her two children, Leon Nolasco, age sixteen, and Ella Nolasco, age fourteen. By 1900, Nolasco was living in Baton Rouge with her granddaughter, Angela Taylor. Nolasco died in Baton Rouge on May 6, 1902, from cancer.<sup>37</sup>

Finally, Maria Gray and her children stayed in the parish. In 1846, Gray had purchased twenty-three acres of land from Drury Mitchell. In 1860, she sold that acreage and purchased ten acres in another part of the parish.<sup>38</sup> She continued to live there until her death sometime before the end of 1872. William H. Gray, her son, married Matilda Purnell in August 1848, and, after her

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when: "Young men from the country I did not know arrived with [a citizen's petition demanding his resignation] and carried pistols." He was afraid of personal violence. *Ibid.*, 770-772.

36 Will of Henrietta Coleman, Book O, p. 482, April 10, 1867, Conveyance Records, WFP, La.; Affidavit of Death, April 10, 1867, Succession of Henrietta Coleman, Box 20, Succession Records, WFP, La.

37 Sale, Heirs of De La Fayette Stocking to Gertrude Nolasco, Book Q, p. 347, August 12, 1872, Conveyance Records, WFP, La.; Lease, Gertrude Nolasco to Alfred F. Gastrill, Book Q, p. 371, October 4, 1872, Conveyance Records, WFP, La.; Manuscript Census, 1890, WFP, La. ancestry.com.; Riffel, ed., *City Birth and Death Registers Baton Rouge, Louisiana*, 149.

38 Sale, Drury Mitchell to Maria Ann Gray, Book I, p. 218, February 27, 1846, Conveyance Records, WFP, La.; Sale, Maria Ann Gray to Charles L. Mathews, Book N, p. 257, February 16, 1860, Conveyance Records, WFP, La.; Sale, Margaret E. Browder to Maria Ann Gray, Book N, p. 258, February 16, 1860, Conveyance Records, WFP, La.

death, married Rachel Griffin in August 1866.<sup>39</sup> Gray broke his leg in 1872, and his physician, Dr. P.G.A. Kaufman, sued him to collect a \$50 payment for bandaging Gray's compound fracture. Gray did not pay, and the sheriff seized his interest in the ten acres of land that had belonged to his mother. In 1880, when Gray was fifty-five and Griffin was sixty-two, Gray listed his profession as a carpenter and Griffin kept house.<sup>40</sup>

Like her father, Josephine Gray had been a slaveholder. She held three females in slavery in 1850: Betsey, purchased in 1845, Martha, purchased in 1850, and one other. Gray sold Betsy in 1852.<sup>41</sup> In 1860 Gray lived on property next door to her mother on Woodville Road with four children aged four to sixteen. In 1870, she lived there with two grandchildren, Cora and James Gray, aged nine and five. Gray did not pay her 1875 taxes. In 1880, Gray sold the land she owned to Newton Payne, and Payne paid the 1875 taxes. Gray was then a schoolteacher living with fourteen-year old James Gray, her grandchild. By 1900, Gray was still in West Feliciana Parish and had moved to live in her son-in-law's household.<sup>42</sup>

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39 Gray had crossed diarist's Bennet Barrow's property to visit Purnell. Gray and Purnell had two sons, William Alexander Gray born January 8, 1855, and John Edward Gray born January 3, 1857. Both children were baptized November 30, 1860. Diocese of Baton Rouge Archives, *Catholic Church Records* 9, 1858-1862, 236, 237 (1989).

40 Dr. P.G.A. Kaufman v. William H. Gray, Civil suit no. 557, March 22, 1872, Parish Court, WFP, La. Gray's interest was appraised at \$800 but was sold for \$102; Seizure of 10 acres, Book Q, p. 373, September 7, 1872, Conveyance Records, WFP, La.; Manuscript Census, 1880, WFP, La. ancestry.com.

41 Sale, Peterson to Josephine Gray, Book K, p. 540, April 3, 1845, Conveyance Records, WFP, La.; Sale, John Valentine to Josephine Gray, Book K, p. 42, February 19, 1850, Conveyance Records, WFP, La.; Sale, Josephine Gray to Felix McCarney and William Fitzpatrick, Book K, p. 539, August 14, 1852, Conveyance Records, WFP, La. (\$350).

42 Manuscript Census, 1860, WFP, La. ancestry.com. [M Valentine 16, J Valentine 12, J Valentine 10, J Gray 4]; Manuscript Census, 1870, WFP, La. [Cora 9 and James Gray 5]; Sale, Miss Josephine Gray to Newton Payne, Book S, p. 249, February 14, 1880, Conveyance Records, WFP, La.; Sheriff's sale, Book T, p. 101, November 4, 1882, Conveyance Records,

Gray was not the only person to have trouble paying their taxes in the 1870s. When Priscilla Davis died in 1874, her two lots in St. Francisville were sold to pay her 1873 taxes.<sup>43</sup> Fanny Hendrick's daughter-in-law, Josephine Thomas, and her grandson, William Feliz Hendrick, continued to live in the house where Hendrick and Tillotson had lived, but Thomas had difficulty paying the taxes on the property. She finally lost the property in 1879 after failing to pay taxes in 1875 and 1876.<sup>44</sup> Their difficulty in paying these taxes was not because taxes were unreasonably high, but because people of color had been frozen out of the economy. Davis's tax bill was \$18.70; Thomas lost her property for \$11.09 in unpaid taxes.<sup>45</sup> Where they had been partners in economic growth before the war, their role after the war was limited to being laborers and it was difficult for the former free people of color to find employment.<sup>46</sup> Their social and economic exclusion was almost universal. Coleman and Wicker stand out as exceptions, but after Wicker's death, her sons moved to New Orleans, and Coleman left no family in West Feliciana Parish. The exclusion of the former free people of color from the economy carried over into politics. In West Feliciana Parish,

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WFP, La.; Manuscript Census, 1880, WFP, La.; Louie Torree, Manuscript Census, 1900, WFP, La. ancestry.com.

43 Tax sale of lots 8 + 9 in square 16, Book R, p. 87 and Book R, p. 179, December 9, 1874, Conveyance Records, WFP, La.

44 Sale, Tax Collector to Conrad Bockel, Book R, p. 553, December 3, 1877, Conveyance Records, WFP, La. (Bayou Sara lots 414 and ½ of 413 for \$11.90); Title is confirmed to Bockel, Book S, p. 320, December 18, 1879, Conveyance Records, WFP, La.

45 Tax sale of lots 414 and ½ of lot 413 to Conrad Bockel, Book S, p. 320, December 18, 1879, Conveyance Records, WFP, La. Loren Schweningen concluded that, during the first fifteen years after the Civil War, free people of color lost most of the land they had owned. Only one in five property owners held onto their property after the war. Loren Schweningen, "Antebellum Free Persons of Color in Postbellum Louisiana," 346, 356.

46 Historian Nell Irwin Painter wrote that, after the war, the role of people of color was to be only laborers and the role of poor white people was to be enforcers. Blacks who wanted to own their own land and to be subsistence farmers were frustrated. Nell Irwin Painter, *Exodusters* (New York: W.W. Norton & Co., 1976), 67.

people of color who had been free before the war played no part in post-Civil War politics. People of color were elected to local and state offices, but none of those elected had been free in 1860.<sup>47</sup>

People of color who had been free before the Civil War had had an opportunity to purchase land, start businesses, or leave the parish. Those certainly were advantages enslaved people had not shared. Those advantages, however, were eroded in the post-war period when people of color, whether born free or freed by the war were lumped together to become a despised “Colored Race” considered an obstacle to white power. Having lost a war to northerners, southern white people were not about to lose what dignity they had left to those they had enslaved or to others who looked like them. The characteristics that had made West Feliciana attractive to free people of color had dissipated. A line had been drawn separating people of different skin colors, and the spaces where people of color could interact with white people had been closed.

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<sup>47</sup> Manuscript Census, 1860, WFP, La. The following people of color were elected to the offices indicated: Hamilton- police jury, a justice of the peace; Robert Hewlett - Mayor of St. Francisville, Board of Visitors for Insane Asylum at Jackson, police jury, parish treasurer, president of the school board; George Swayze- Board of Visitors for Insane Asylum at Jackson, constable in Bayou Sara, state senator, constable in St. Francisville, deputy sheriff; Robert Taylor - member of the legislature 1868-1870, sheriff 1872-1874; John S. Dula - recorder, justice of the peace, parish judge; J.W. Armstead- city councilman, justice of the peace, state representative 1872-1874. *Testimony in regard to alleged outrages in West Feliciana Parish, Louisiana*, 44th Cong., 1st sess., Bayou Sara, La., 759-767 (June 21, 1876), Special Collections, LLMVC, LSU; Charles Vincent, *Black Legislators in Louisiana during Reconstruction* (Baton Rouge: Louisiana State University Press, 1976), 75, 147, 221, 227-234.

## Epilogue

In 1944, Historian Rayford W. Logan edited a collection of essays on the topic: “What the Negro Wants.” The contributors included such luminaries as Mary McLeod Bethune, Sterling A. Brown, W.E.B. DuBois, Langston Hughes, A. Philip Randolph, and Roy Wilkins. The United States was involved in a war to protect democracies from fascist nations and had drafted people of color in the United States to help. The authors addressed the conundrum that black soldiers were fighting overseas so others could have freedoms that those same black soldiers could not enjoy at home. Historian and college president Charles H. Wesley drew attention to 1940 census data: 99.4 percent of people of color were native born and 97 percent were born of native-born parents. “The Negro is not an alien,” Wesley pronounced: “This is his country, and he knows it.”<sup>1</sup> He argued that people of color wanted the “right to enjoy all citizenship privileges and to accept all obligations and perform all duties expected by the nation of its citizens.”<sup>2</sup> College president Leslie Pinckney Hill wrote: “Negroes want to be accepted by our American society as citizens who in reality belong, who have the respect of their fellow man and equality of opportunity for life, liberty and the pursuit of happiness.”<sup>3</sup> English Professor Sterling A. Brown said simply: “Negroes . . . want to belong.”<sup>4</sup>

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1 Charles H. Wesley, “The Negro Has Always Wanted the Four Freedoms,” in *What the Negro Wants*, ed. Rayford W. Logan (Chapel Hill: University of North Carolina Press, 1944), 109.

2 *Ibid.*, 110.

3 Leslie Pinckney Hill, “What the Negro Wants and How to Get it: The Inward Power of the Masses,” in Logan, *What the Negro Wants*, 71.

4 Sterling A. Brown, “Count Us In,” in Logan, *What the Negro Wants*, 331.



For a short while, the free people of color in West Feliciana Parish were almost there. The Spanish law and tradition of the parish had favored emancipation and had supported integrating a newly emancipated person into the community. It recognized the equality of all people and treated slavery as a temporary status and not as a permanent curse. It promoted self-purchase. It permitted relationships between slaveholders and enslaved women that often led to emancipating the woman and her children and that sometimes led to these couples living together as man and wife, raising their children together. The Spanish tradition that welcomed free people of color into the community continued for a while in West Feliciana Parish after the area became a part of the United States. Free people of color were attracted to come, and newly freed people were content to remain in the parish because they believed they belonged.

Free people of color knew what freedom meant. Their acts of emancipation gave them: “permission to go where she pleases;”<sup>5</sup> and “the liberty of doing and acting for himself.”<sup>6</sup> A newly freed mother and her children were “free and no longer subject to bondage or servitude.”<sup>7</sup> Free people of color could do things enslaved people could not. Some purchased lots in the Town of St. Francisville. Others purchased lots in Bayou Sara. Still others purchased acres of land in the rural parts of the parish. Some farmed; others started successful businesses. Once free, a man could purchase his wife. He could locate, purchase, and emancipate his children, reuniting his family. Once free, a woman could own and operate a boarding house and restaurant to provide for herself

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5 Act of Emancipation of Old Dinah, Book AA, p. 403 July 2, 1824, Conveyance Records, WFP, La.

6 Act of Emancipation of Sandy, Book H, p. 464, February 20, 1839, Conveyance Records, WFP, La.

7 Act of Emancipation of Lucy, Sarah, and Charles, Book E, p. 149, February 1, 1832, Conveyance Records, WFP, La.

and her family. A free person of color was neither dependent for support nor subject to the will of another. Options abounded, once a person was free.

This rural, frontier community easily accommodated free people of color into its everyday life. Free people of color could live wherever they could afford; there was no spatial segregation by skin color. Some continued to live in the homes of white people; others headed their own households. Some had been given money or land along with their freedom; others had only their freedom and their initiative. Each of them used their talents and skills to support themselves and to contribute to the growth of the parish, and each of them reaped the benefits of their labors. Their more successful businesses tended to be service-related, restaurants and boarding houses predominated, and many of the women were washerwomen. The men who were not innkeepers tended to be carpenters or draymen, but free men of color merchants came to the parish and free people of color owned small farms. These occupations and vocations reflected their training and experiences, not laws or practices that limited their options.<sup>8</sup>

Free people of color intermingled with white people, buying from and selling to them without regard to skin color. They borrowed from and loaned money to their white neighbors and had accounts at stores and mortgages on the same terms offered to white people. Louisiana's courts were open to a fair adjudication in both civil and criminal matters, and free people of color could depend on due process in settling disputes. Their white neighbors afforded them common decencies and they avoided most of the "thousand and one devices and artifices used to prevent

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<sup>8</sup> It was not until 1859 that Louisiana forbid free people of color to get a license to "keep a coffee-house, billiard table, or retail store, where spiritous liquors are sold." 1859 La. Acts p. 18, No. 16.

the colored people's full enjoyment of citizenship rights and privileges . . ." that journalist George S. Schuyler complained about in 1944.<sup>9</sup>

Being free from slavery didn't mean sharing equality with whites. The laws of Louisiana did not allow free people to vote or to participate in self-governing. They prescribed different punishments for the same offense depending upon the skin color of the offender. They had begun to limit employment opportunities for free people of color. Free people of color recognized a constant threat to their freedom because of their skin color. They needed to carry proof of their free status with them at all times, while white people did not. Imprisonment, enslavement, or worse lay in wait if, when challenged, they could not produce their proof. Any justice of the peace could demand to see it.<sup>10</sup> Any other person bold enough might ask. To protect themselves, they created multiple records of their freedom, made themselves known in the community, and sought out white friends to vouch for them.

Finding white friends was not difficult in West Feliciana Parish. The number of free people of color in the parish was small. Rather than form a separate community, free people of color became a part of the larger community where they could find friends and make acquaintances. These feelings of belonging ended in the last decade before the Civil War. As the voices for abolition grew stronger, free people of color stood out as undermining the rationale supporting slavery. They disproved the argument of their innate inability to survive outside of slavery. In addition, slaveholders feared that the presence of free people of color in the community would incite people held in slavery to seek their own freedom more aggressively. Wealthy slaveholders drove white people and free people of color apart to protect the institution of slavery and to serve

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9 George S. Schuyler, "The Caucasian Problem," in Logan, *What the Negro Wants*, 289.

10 1804 Laws of the District of Louisiana p. 107, "A Law Respecting Slaves." § 24.

their own power and financial interests. Union organizer A. Philip Randolph saw the economics of the issue: “The origin of the Negro problem was economic, for it had its seat in the slave trade. The reason for subjecting Negroes to slavery was economic. It had residence in cheap labor.”<sup>11</sup>

Charles Wesley recognized the same phenomena in the 1940s: “Southern leaders of agriculture were playing up race prejudice to keep the workers apart and to maintain their own dominance of Southern society.”<sup>12</sup> Wesley continued: “The doctrine of racism has no scientific foundation. It is, however, one of the most dangerous of dogmas.”<sup>13</sup> From 1820 to 1850, in West Feliciana Parish, the danger of this dogma was mitigated by the community’s acceptance of people for what they had to contribute to the community. Skin color was less important than the quality of the service or commodity offered, whether carpentry, food services, or haircuts. People could be friends and neighbors, landlords and tenants, lenders and borrowers, without regard to pigmentation. Separation by skin color was neither natural nor necessary nor commonplace in that place at that time.

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11 A. Philip Randolph, “March on Washington Movement Presents Program for the Negro,” in Logan, ed., *What the Negro Wants*, 140.

12 Charles H. Wesley, “The Negro Has Always Wanted the Four Freedoms,” in Logan, ed., *What the Negro Wants*, 105.

13 *Ibid.*, 107.

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## **Vita**

Born in West Virginia, Evelyn L. Wilson attended Nanuet Public Schools in Rockland County, New York, before enrolling in Oberlin College in Ohio. She spent nine years working in New York for local, city, and state governments before leaving New York for Louisiana. Once in Louisiana, she attended the Paul M. Hebert Law Center at Louisiana State University and developed an interest in Louisiana history. She taught law for twenty-nine years, primarily at the Southern University Law Center in Baton Rouge and retired in 2015. She spent her last semester teaching as a Fulbright Scholar in Nepal and began the formal study of History in Fall 2015.